



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, December 03, 2024

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil). If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

December 03 Council Meeting: Dial 346 248 7799. Enter Meeting ID **845 7389 8222** and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: **569248**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1. A presentation of the CAPS students project promoting the new Provo City website and app 24-103

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

2. An ordinance amending the zone map classification of real property, generally located at 577 East 400 South, from the one-family residential (R1.6) zone to the low density residential (LDR) zone. Maeser Neighborhood. (PLRZ20240234)
3. An ordinance amending Provo City Code regarding signs permitted in the Freeway Commercial (FC3) and Regional Shopping Center zones (SC3). Citywide application. (PLOT20240271)
4. An ordinance amending Provo City Code regarding special use permits for accessory dwelling units. Citywide application. (PLOT20240275) (24-016)

CONTINUED An ordinance regarding a Zone Map Amendment from the R1.8 Zone to the MDR Zone in order to construct a 100-unit apartment building, located at 2000 N Canyon Road. Pleasant View Neighborhood. (PLRZ20240174)

CONTINUED Northeast Neighborhoods Plan Approval (PLGPA20240278)

CONTINUED Jeff Knighton requests Ordinance Text Amendments to Sections 14.21A.070 and 14.21A.090 (Minimum and Average Residential Unit Size) to adjust standards in the DT1 Zone. Citywide application. PLOT20240308

CONTINUED Development Services requests an Ordinance Text Amendment to Section 14.01.110 (Prohibition of Sham Property Transactions) to clarify rules with LLCs and trusts. Citywide application. PLOT20240309

CONTINUED Provo City Public Works Department requests Ordinance Text Amendments to Section 15.03.020(3) to update 2024 standards to 2025 standards. Citywide Impact. PLOT20240310

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, December 17, 2024. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email rcaron@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 12-03-2024

SUBJECT: A presentation of the CAPS students project promoting the new Provo City website and app 24-103

RECOMMENDATION: Present the work done by CAPS students working with Channel 17 to promote the new Provo website

BACKGROUND:

<https://www.dropbox.com/scl/fo/4zwd7u02chdsy5el/AAbr5lr2Ua0ZuAZ6jXXJ7Nc?rlkey=t1seglpkxc9ggntd8c1g8kq4c&st=8xdkra4f&dl=0>
2 reels that the CAPS students completed.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Keith Morey Development Services Assistant Director

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Present the work done by CAPS students working with Channel 17 to promote the new Provo website

CITYVIEW OR ISSUE FILE NUMBER: 24-103

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MABARNES
Department: Development Services
Requested Meeting Date: 12-03-2024

SUBJECT: An ordinance amending the Zone Map classification of real property located at 577 E 400 S, from One-Family Residential (R1.6) Zone to Low Density Residential (LDR) Zone - Maeser Neighborhood (PLRZ20240234)

RECOMMENDATION: Development Services is recommending approval. Please see supporting documents.

BACKGROUND: Jaxon Allred is proposing to rezone the property located at 577 E 400 S from the R1.6 zone to the LDR zone. This property currently has a single-family home with a large backyard. To utilize the space in the backyard, the applicant is proposing to add two attached single-family homes or town homes. That would bring the total amount of units on the property to three.

FISCAL IMPACT: No Impact

PRESENTER'S NAME: Mary Barnes

REQUESTED DURATION OF PRESENTATION: 10 mins, with 5 mins of presentation (Work Meeting). 15 mins, with 5 mins of presentation (Council/Night Meeting).

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Please see pages 3 & 4 in the staff report.

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20240234

Provo City Planning Commission

Report of Action

November 13, 2024

ITEM 4* Jaxon Allred requests approval of a Zone Map Amendment from the R1.6 (One Family Residential) Zone to the LDR (Low Density Residential) Zone in order to add two additional townhomes to the back of an existing single-family lot, located at 577 East 400 South. Maeser Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLRZ20240234

The following action was taken by the Planning Commission on the above-described item at its regular meeting of November 13, 2024:

RECOMMENDED APPROVAL W/ CONDITION

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the following condition:

Condition of Approval:

1. If approved by City Council, the applicant must apply for a project plan application and subdivision plat for the project.

Motion By: Adam Shin

Second By: Andrew South

Votes in Favor of Motion: Lisa Jensen, Jonathon Hill, Melissa Kendall, Daniel Gonzales, Barbara DeSoto, Andrew South, Jeff Whitlock and Adam Shin.

Jeff Whitlock was present as Chair.

Votes against the Motion: None

- Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

MAP AMENDMENT AND LEGAL DESCRIPTION

A map representing the proposed amendment is attached as Exhibit A. The legal description of the proposed amendment is described in the attached Exhibit A.

RELATED ACTIONS

PLCP20240241 – Concept Plan for 577 E 400 S, which was approved by the Planning Commission on November 13, 2024.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- This application was presented at the District 5 neighborhood meeting on September 4th. Neighbors were generally in support but were concerned about the property having enough open space and landscaping for the new units.

NEIGHBORHOOD AND PUBLIC COMMENT

- The neighborhood Chair was not present and did not address the Planning Commission during the hearing.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Neighbor letters were sent before the meeting to the planning commission from Tom Spencer (Joaquin), Laurell Jackson (Maeser), and Denny Rucker (Maeser). These letters are attached as exhibit B.
- *Mikkel Davis, Maeser Neighborhood*. This project should increase homeownership, preserve the existing trees on the property, and replace the current gravel landscaping with green space. Either subdivide the townhomes and sell them, or build an ADU. In favor of infill, but not in favor of increasing traffic in the alley. That alley is used by bicyclists, kids, and for shortcuts.

APPLICANT PRESENTATION

The applicant is Jaxon Allred, who is the engineer on the project. The property owner, Daniel Franco, was present at the meeting and answered questions. Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The reason behind deciding on two townhomes was to gain more usage of the space available.
- Right now, the plan is that these townhomes will not be for sale, they will be for rent. However, they will be subdivided into two separate units with the potential to sell in the future. Mr. Franco would prefer to keep the townhomes and single-family detached home in the family so that his kids can live in them someday.
- Mr. Franco is not opposed to the idea of a detached ADU, but he would prefer two units.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

After staff presentation:

- Commissioner Jensen asked why the applicant couldn't have simply subdivided the backyard of the property, for a total of two single-family lots. With the required setbacks and lot widths for the R1.6 zone, subdividing the backyard into another property would not be permitted.
 - Commissioner Jensen also asked why the access is in the alley, and not from 400 S. Having the access from 400 S would require paving almost the entire backyard.
- Commissioner Shin asked for clarification on backing out of the proposed parking spaces into the alley.
- Commissioner Hill brought up ADUs in this area and asked why a detached ADU is not being considered for this property.
 - Commissioners DeSoto and Jensen asked for clarification on the parking requirements for an ADU vs. a townhome. Technically, a town home is required to have 3 parking spaces. An ADU requires at least 1 more parking space (for a total of 4 parking spaces for a detached single-family home and ADU).
- Commissioner Whitlock asked who owns the alley access. Currently, there is no owner on record, but there is a historical prescriptive access easement on the alley.

After public comment:

- Commissioner Jensen stated that there are issues with the alley. It is not maintained, and it won't work well. While infill is a great thing, the trips should go out to 400 S. An ADU would avoid the zone change and increase owner occupancy. We are looking for the kind of infill that will bring people into the neighborhood and will help them invest in the neighborhood. The fire lane and alley access are not good enough, they will not be maintained properly.
- Commissioner Hill has similar concerns, there is a lot being crammed into this property. A single unit, perhaps an ADU, would be a far better option.

- Commissioners DeSoto and Whitlock agreed that the parking discrepancy between townhomes and ADUs should be addressed in the code. With 3 parking stalls required per townhome, the concept plan design is a little awkward. It would be better if only 2 parking stalls were required per townhome.
- Commissioner South mentioned that the cost of building a detached ADU is very high as well. Making the cost to build a detached ADU a little more achievable might encourage more of those in neighborhoods. But this type of infill is close to major roads and commercial, this is the type of infill that should be encouraged.
- Commissioner Jensen stated that this is a good idea, but there are issues with the concept plan. Approving an alley access may not be a long-term solution.
- Commissioner Shin stated that if the Fire Department was okay with the project, he would be okay with the project.
 - Commissioner Jensen agreed. The neighborhood is conducive to this type of density, and it is right next to the commercial.
 - Commissioner DeSoto stated that part of infill is mixing uses. As this area does get redeveloped, hopefully great people will move in and uplift the neighborhood.



Planning Commission Chair



Director of Development Services

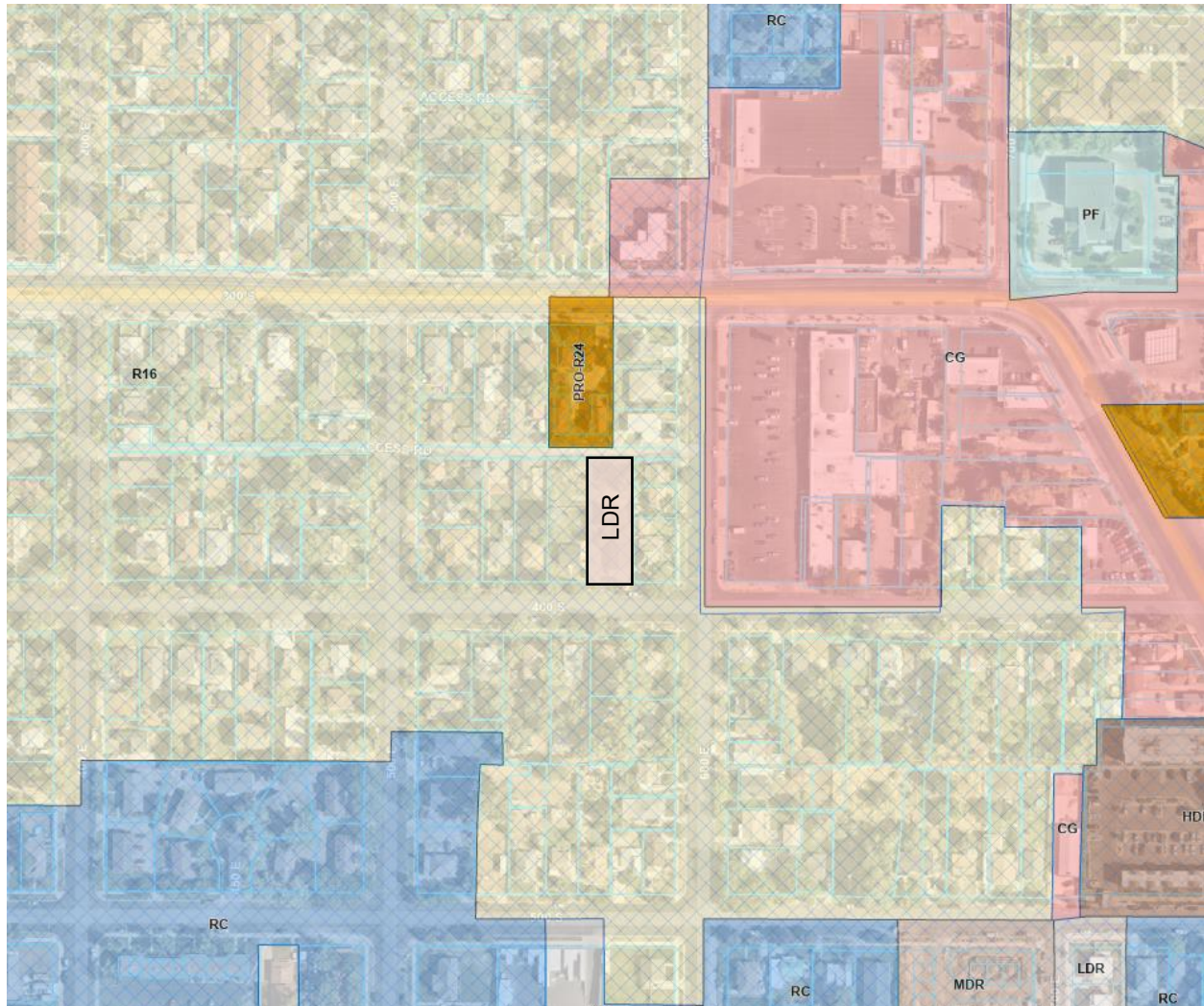
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Community and Neighborhood Services Department, 445 West Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A



Legal Description: COM. 4 RODS W OF SE COR OF BLK 5, PLAT C, PROVO CITY SURVEY; W 4 RODS; N 111/2 RODS; E 4 RODS; S 111/2 RODS TO BEG.

Exhibit B

Tom Spencer, Joaquin Neighborhood.

Hello, Mary. I did not make it to the last neighborhood district meeting for district 5, but I did watch it afterward. I have some comments that I would like to have passed along to the planning commission and whomever else makes a decision on this matter. (If you want me to do that, just let me know whom I should send it to.)

I am concerned that tripling the number of dwelling units on the property (from one to three, if I'm not mistaken) will leave little room for anything but cars. Two new units could mean six more cars (probably 4-5 on average), and they have to go somewhere. This kind of parking demand generally means a significant aesthetic loss and changes the feel of the street and the block. Specifically, it is not likely that there will be any room for trees; everything will be too tight. I do not think that developments that crowd out room for trees are ever a good idea. I do not think that neighbors on any side of the property should ever feel like they live next to a parking lot.

I've driven this street several times, and I think it has a charming, family-home kind of vibe. Putting in extra rental units in the backyards changes the feel irrevocably. I'm aware that the property behind this one put in a couple other units, but that property is wider and could handle it a little better. And just because one property goes LDR doesn't mean that the others around it should. Maeser generally looks better than Joaquin (where I live), and I think that should be protected.

Also, the moment you put in extra units behind the house, you eliminate owner-occupancy on this property forever. Is that what Maeser wants? Since I don't live in that neighborhood, maybe I should leave that an open question. I know that eliminating owner-occupant-friendly properties is NOT what we need in Joaquin. The net gain in housing from this proposed development is very small, and the change is irreversible. I hope that you will make an effort to solicit input from the people on the street and the block, particularly those who are owner-occupants.

I'm not exactly giving a "thumbs down" to the project, but it would be more palatable to me if it were one extra unit on the property, not two. And it would be even better if that second dwelling were an accessory dwelling, encouraging owner occupancy.

Best, Tom Spencer

Tom Spencer, Joaquin Neighborhood:

Mary, you can perhaps pass along to the city council, as an addendum to my initial feedback, that I was under the impression that the property was not being divided into three. You told me that the three homes (the existing one and the two proposed townhomes) could be sold to different people, creating an opportunity for *increased* home ownership rather than an increase in rental-only units. If that is correct, I probably don't object to this development, especially since there is going to be more landscaping space than I expected.

Best, Tom

Laurell Jackson, Maeser Neighborhood:

Dear Mary Barnes,

I am concerned about item 4 and item 5 on the planning commission hearing for Wednesday Nov. 13. With the changing of the zoning and the building of low density homes behind the existing building requested by Jaxon Allred. I live right behind the proposed zone at 572 east 300 south in provo separated by the utility road.

This proposal brings up several concerns for my family:

- 1) I am concerned about the safety of my children and their well being.
- 2) The access to the utility road is narrow and already too busy.
- 3) Assuming these structures are multilevel, this will block the natural light to my home that helps reduce my utility bills.

I am concerned about the safety of my children. I am a mother of three school age children. We are constantly using our gate to access the utility road to get to and from the school bus, to access the businesses located on 600 East and for convenience to quickly get to different locations in the neighborhood. I feel like it is safer than traveling around the block along 300 south. The construction of new buildings would cause quite a disturbance on our block. I would worry more about my children's safety and trying to keep them out of harms way during construction and after the build is finished from drivers not paying attention as they leave and enter there parking spots.

Currently, if the zoning map got changed. They would start building the two town homes. The current design shows 4 new parking spaces that only uses the ally way to gain access to those new buildings.

That will cause quite a mess, especially for the neighbors to the east of us that live in the duplex and park their two vehicles right there adjacent to the utility road. During this construction process and afterwards.

That would make the utility road inaccessible to homeowners and harder for utility vehicles to access, especially during construction. The utility road is used multiple times a day by homeowners driving and individuals walking through the utility road. Construction would disrupt this, and when completed would increase the traffic behind my house.

Some of the homes use the utility road as their only access to get to a main road and access their parking space.

The utility road makes it easier to get around 300 south because of all the cement barriers. You have to get to 400 east and 300 south is the easiest way to head west or north in a vehicle.

Utility vehicles access the main power pole on the corner of our lot which is right across from the middle of where the proposed entrance would be for the building. This pole is maintained several times a year for power, internet, and other networks.

Lastly buildings built to the north of me would block my natural light for my home which helps reduce my utility bills year round. My home was purposely built to be a cost-efficient home. It has strategically positioning windows to maximize sunlight exposure during winter months. My house was designed to use the local climate and sun path to optimize energy savings.

I am concerned about my four south side windows being blocked by buildings or partially blocked and not being able to fully capture the winter sunlight to help with heating my house.

These are my concerns. I am concerned about the safety of my children and there well being. The access to the utility road. Blocking my natural light for my home that helps reduce my utility bills.

I wish I could be present for this public hearing. But unfortunately will be unavailable.

Thank you for letting me address some of my concerns. Sincerely, Laurell Jackson

Denny Rucker, Maeser Neighborhood.

FROM: Denny Rucker owner of property at 535 East 400 South

TO: REVIEW BOARD

SUBJECT: ISSUES related to expansion of zone at 577 East 400 S.

OVERVIEW, Why am I concerned:

1. I'm the 3rd generation property owner just 2 doors away. And I am passing my property on to my children in my will.

So that is a multifamily investment in the neighborhood since the 1930s.

2. I'm a retired ENGINEER that worked at UVU for 25 years with OVER A BILLION dollars of remodeling and construction under my belt.

With significant experience from Traverse Mountain to Capital Reef. I have done many of these types of constructions/remodels and larger multi million dollar new buildings.

PROBLEMS:

1. This neighborhood is being slummed and Swiss cheesed with small tight multiplex developments. Home flipping and 2 yr purchases and move in and out homes. Several within a block swap owners every 1-2-3 years. Meaning no investment other than a **couple year lease** and move.

2. This amount of density (3 units) on a 60 ft wide property brings up many issues some too long to go into here but:

A . Parking at the alley access way is NOT maintained for SNOW REMOVAL OR STORM DRAINAGE. This pushes people during major snow storms to park on the streets. Sheet ICE. Any new ground cover roofing etc. will cause MID BLOCK DRAINAGE ISSUES caused issues by the new homes, or covered garages. Permeable pavement and French capture drains should be required!! As there appear to be no adjacent storm drains. On my property with similar parking we had to address the issue with large sump/drain areas.

B. This neighborhood has benefited for years by GREEN SPACE around homes which this high density cannot do. PLEASE NOTE: The current owner when they purchased this property June 2023, replaced the nicely maintained yards with gray gravel that spreads on sidewalks and adjacent properties. He has a new home tax mail address in Spanish Fork and does not live at this address. DOES HE HAVE CITY LICENCE TO RENT? Who is the occupant/manager of this property?

C. Children often do not have enough room to provide for their growth and wander around the neighborhood hunting play areas. The nearest park is small and several blocks away.

D. The homes are eligible for pets and chickens in limited numbers. THIS PLACES SMELLS, barking dogs and noises, flies etc. within 20 or so feet of several homes that do BBQ's, have open windows etc.

E. Derelict vehicles. As this is not a Provo city patrolled street it often collects and stores abandoned garbage, lost trailers etc.

E. No matter how the new homes are situated: The adjacent homes will lose SUNLIGHT and ability to have small gardens and reasonable air flows into and about their yards. THIS DECREASES THE WORTH of adjacent properties.

F. Night time LIGHT INFILTRATION! Any porch, unfiltered window, security, exterior lighting can only "Spill" into the neighboring properties.

G. Night time pedestrian safety. The alley proposed parking is dark and often gang tagged. People do not use it at night. Additional Provo city lighting is recommended for this and the entire length of the 3+ blocks of this type of alleyway. BUT that would then over illuminate the surrounding area.

It would be easy to extend this list.

Bottom line: I CANNOT SUPPORT AS A NEIGHBOR OR ENGINEER ONE MORE NEW UNIT ON THIS SMALL PLOT for a total of two. AS THAT WOULD NOT BE IN THE BEST "LONG TERM" interests of a residential neighborhood. It is simply an over DENSE use of the residential property.

**Planning Commission Hearing
Staff Report
Hearing Date: November 13, 2024**

ITEM 4* Jaxon Allred requests approval of a Zone Map Amendment from the R1.6 (One Family Residential) Zone to the LDR (Low Density Residential) Zone in order to add two additional townhomes to the back of an existing single-family lot, located at 577 East 400 South. Maeser Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLRZ20240234

Applicant: Jaxon Allred

Staff Coordinator: Mary Barnes

Property Owner: Daniel Franco

Parcel ID: 05:049:0002

Acreage: .29 acres

Number of Lots: 1

Current Zone: R1.6 Single Family Residential (R1.6)

Proposed Zone: Low Density Residential (LDR)

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 11, 2024, 6:00 P.M.*
2. **Recommend Denial** of the requested zone map amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: Single-family home

Relevant History: This property has a single-family home that was built in 1924 with a large backyard. To utilize the space in the backyard, the applicant is proposing to build two attached single-family homes or townhomes.

Neighborhood Issues: This application was presented at the District 5 neighborhood meeting on September 4th. Neighbors were generally in support but were concerned about the property having enough open space and landscaping for the new units.

Summary of Key Issues:

The General Plan and Maeser Neighborhood Plan future land use map shows this area as single family. Townhomes are defined as attached single family units.

A concept plan is a part of this approval.

Staff Recommendation:

That the Planning Commission recommend approval of the zone map amendment to the Provo City Council with the following condition: If approved by City Council, the applicant must apply for a project plan application and subdivision plat for the project.

OVERVIEW

The applicant has requested a zone map amendment for a .29-acre lot located at 577 E 400 S, from Single-Family Residential (R1.6) to Low-Density Residential (LDR), in order to add two additional townhome units to the back of the lot. This would bring the total units on the property to 3, including the existing single-family home.

The General Plan Future Land Use Map designates this area as residential, and the Maeser Neighborhood Plan Future Land Use Map does the same, as seen in Figure 1 & 2 below. Provo City Code classifies townhomes as “single-family attached”.

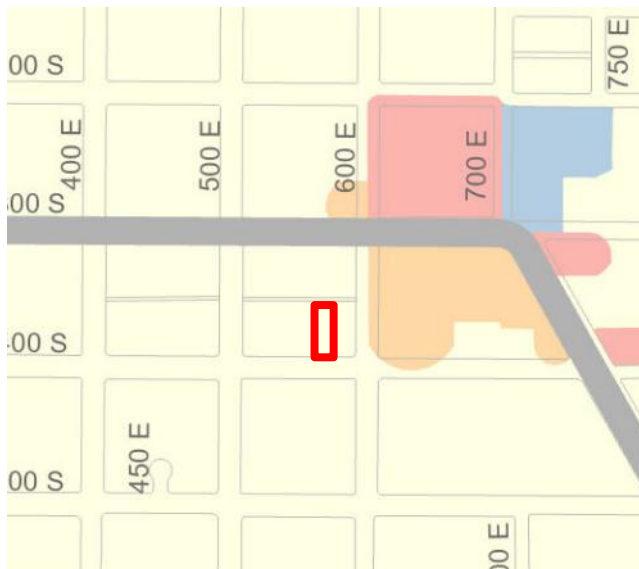


Figure 2: General Plan Future Land Use Map

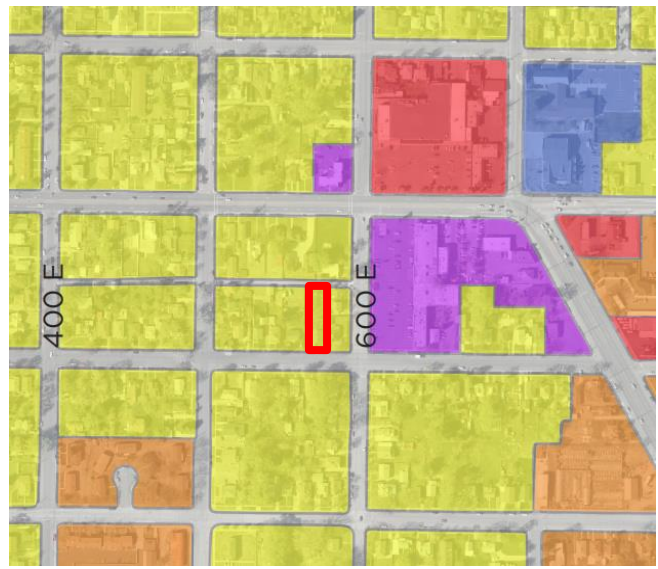
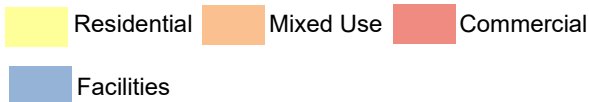


Figure 1: Maeser Neighborhood Plan Future Land Use Map



Surrounding zones

North: Single-Family Residential (R1.6), and Brimhall Estates PRO (PRO-R24)
South: Single-Family Residential (R1.6)
East: Single-Family Residential (R1.6)
West: Single-Family Residential (R1.6)

FINDINGS OF FACT

1. The current zoning on the parcel is R1.6 (Chapter 14.10). The parcel is .29 acres, or 12,352 sq ft.
2. The proposed zoning is LDR (Chapter 14.14A). Townhomes and detached single-family homes are permitted uses in the LDR zone.
3. The general plan designation is Residential.

4. The applicant wants to expand the number of units on this parcel from 1 to 3 by adding two townhomes into the backyard. To increase usable green space on the parcel, the townhomes will be accessed from the rear alley.
5. If the rezone is approved, the applicant will have to come back for Project Plan Approval with the Planning Commission and record a subdivision plat.

STAFF ANALYSIS

The subject property, while zoned R1.6, is in close proximity to multi-family and other similar residential uses. The site is adjacent to a former Habitat for Humanity development to the north, and another development to the southwest. Both developments have added dwelling units to the backyard of the original home (illustrated in blue in Figure 3). Existing multi-family is also close by, consisting of fourplexes and a few smaller apartment buildings (highlighted in orange).



Figure 3: Surrounding Uses

Adding three units to the backyard of the home at 577 E 400 S will not bring a drastic change to the neighborhood, because it is a similar use to the surrounding properties in the neighborhood.

General Plan

Provo City Code Title 14.02.020(2) sets forth the following guidelines for consideration of amendments:

1. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- a) Public purpose for the amendment in question.

Staff response: The public purpose of this amendment is to increase the housing supply for the area.

- b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: With this zone map amendment, the applicant will be able to move forward with the infill project and add two more housing units to the neighborhood.

- c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: Goal 1a in the Land Use chapter of the General Plan states, “Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities.”

Goal 1c in the Land Use chapter states, “Promote neighborhood scale development in residential areas, including a mix of density such as pocket neighborhoods, missing middle housing, and small lot single-family.”

Goal 1a of the Housing chapter of the General Plan states, “Encourage opportunities for small scale, infill housing development.”

Goal 1b in the Housing chapter states, “Consider revising regulations to encourage development of a mix of housing types.”

- d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: The implementation chapter of the General Plan states that the timing of all four goals is short-mid. This rezone would be within the “short” time range of 1-3 years since the General Plan was adopted.

- e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: Staff does not believe that this proposal will hinder or obstruct General Plan policies.

- f) Adverse impacts on adjacent landowners.

Staff response: The surrounding neighborhood has already seen similar projects. The proposed new units would be primarily accessed from the alley behind the property, to minimize traffic impacts on 400 S.

- g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: The General Plan shows this area as “Residential”. LDR is a residential zone.

- h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

***Staff response:* There is no conflict between the General Plan Map and Policies.**

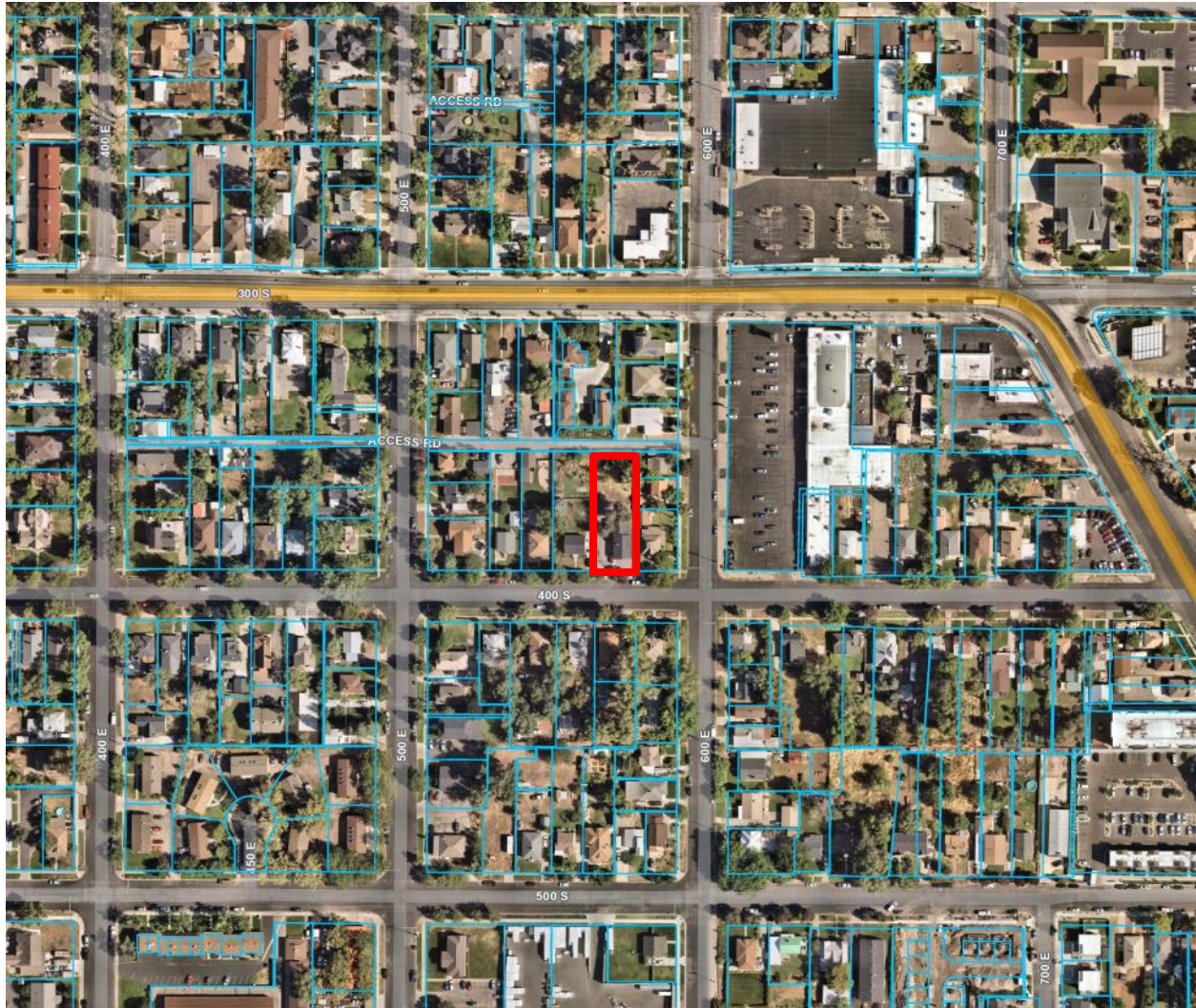
CONCLUSIONS

In conclusion, staff supports this rezone and the associated concept plan. This neighborhood has the potential to gain two new units, and therefore two new families. The rezone meets the goals of the General Plan.

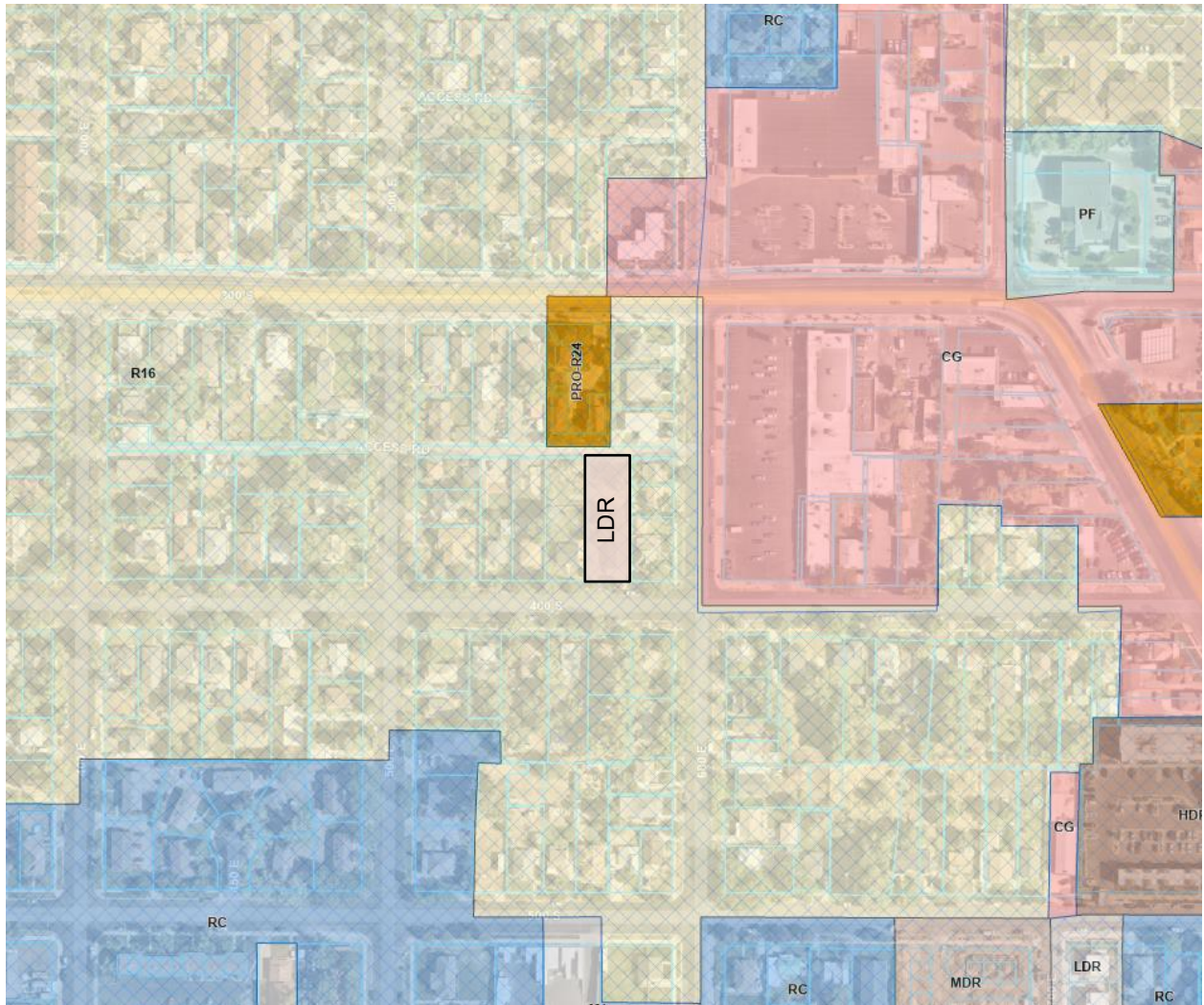
ATTACHMENTS

1. Area Map
2. Proposed Zone Map Amendment
3. Concept Site Plan

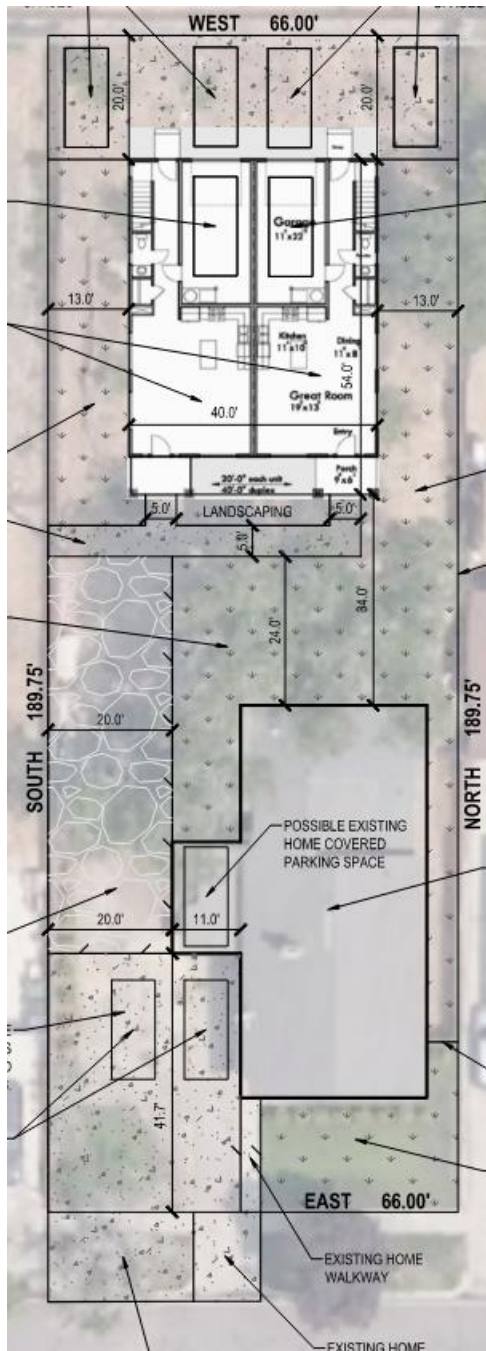
ATTACHMENT 1 - AREA MAP



ATTACHMENT 2 - PROPOSED ZONE MAP AMENDMENT



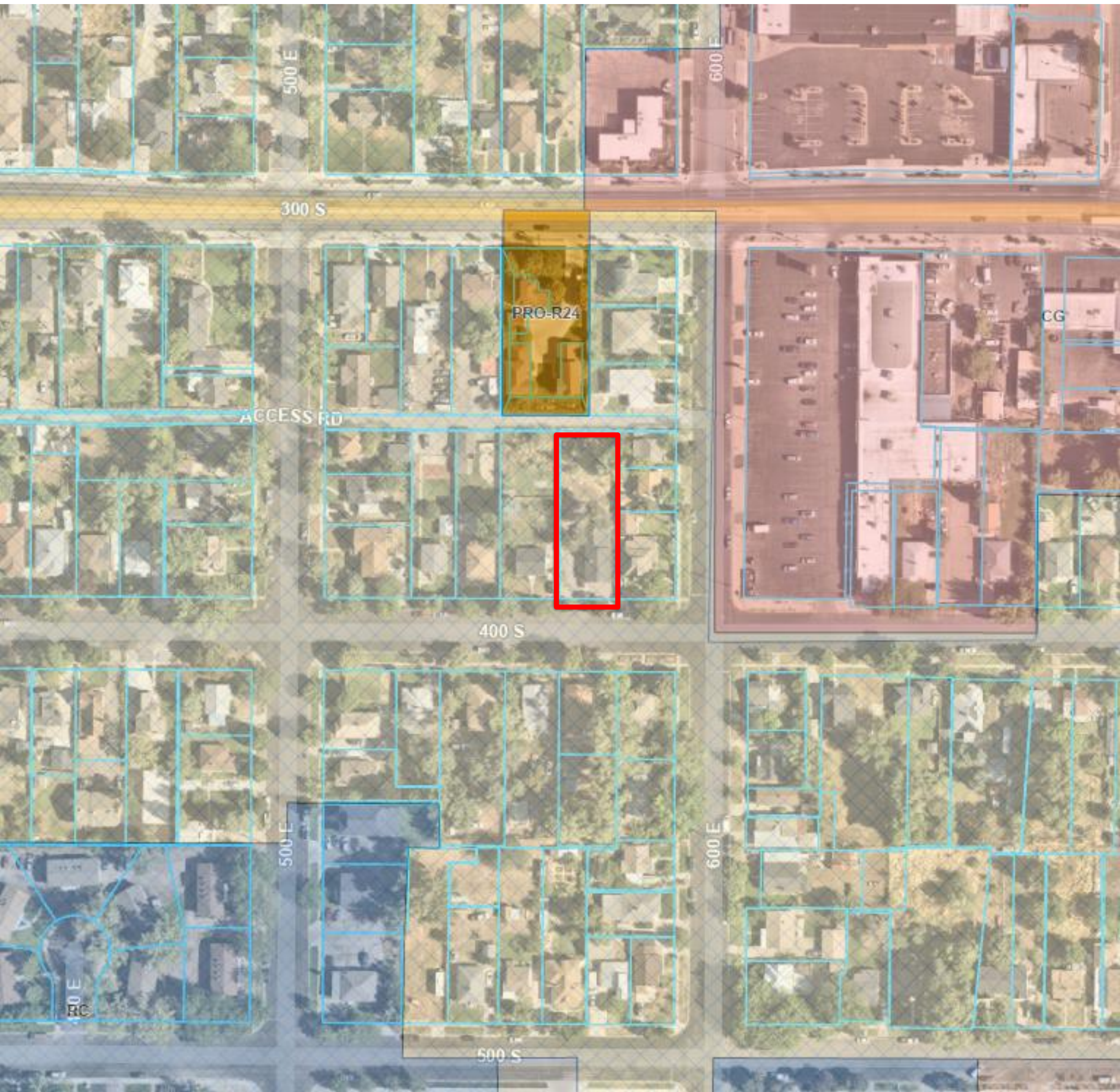
ATTACHMENT 3 - CONCEPT SITE PLAN



Context

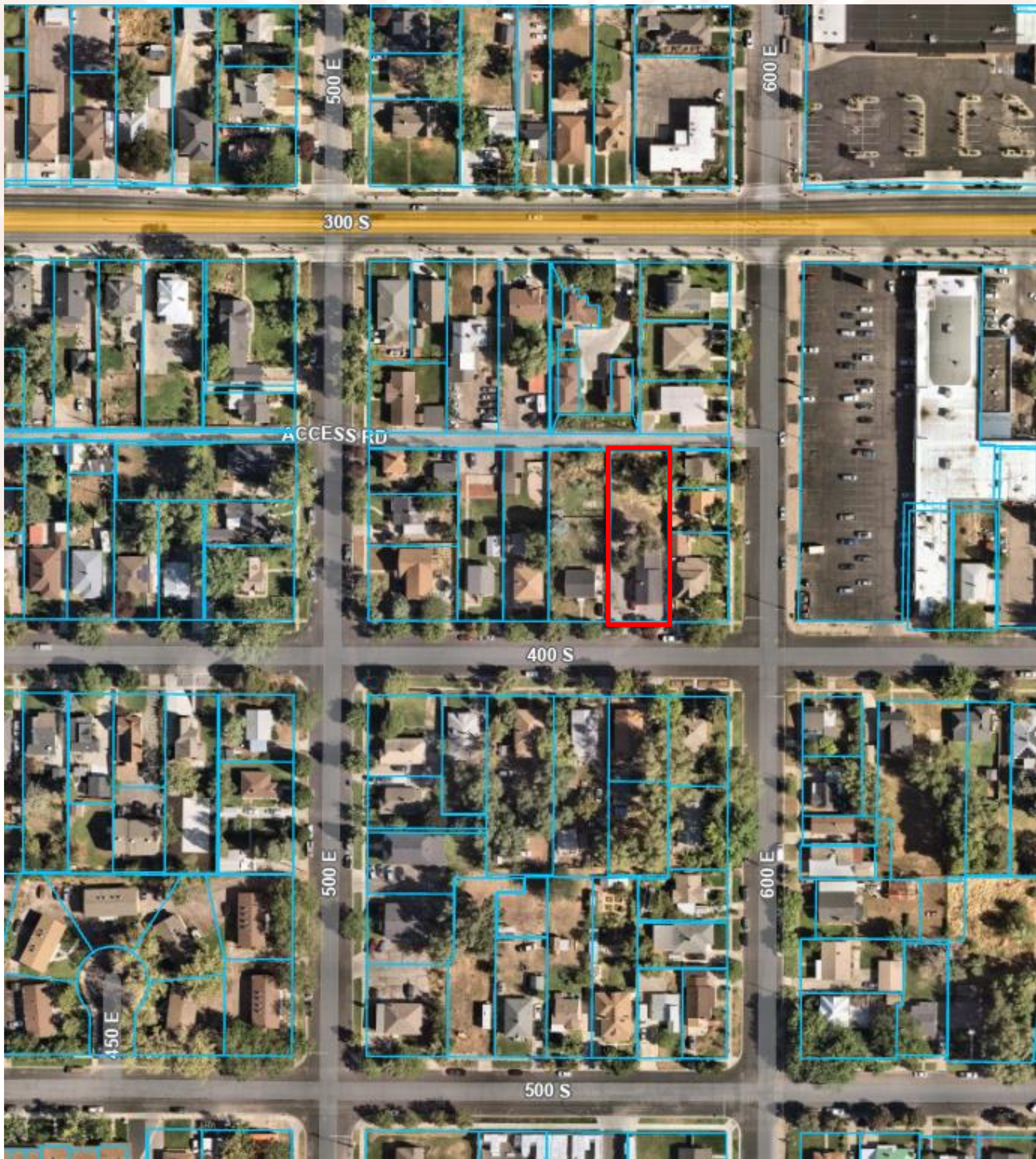
Franco Zone Map Amendment

Zoning Map

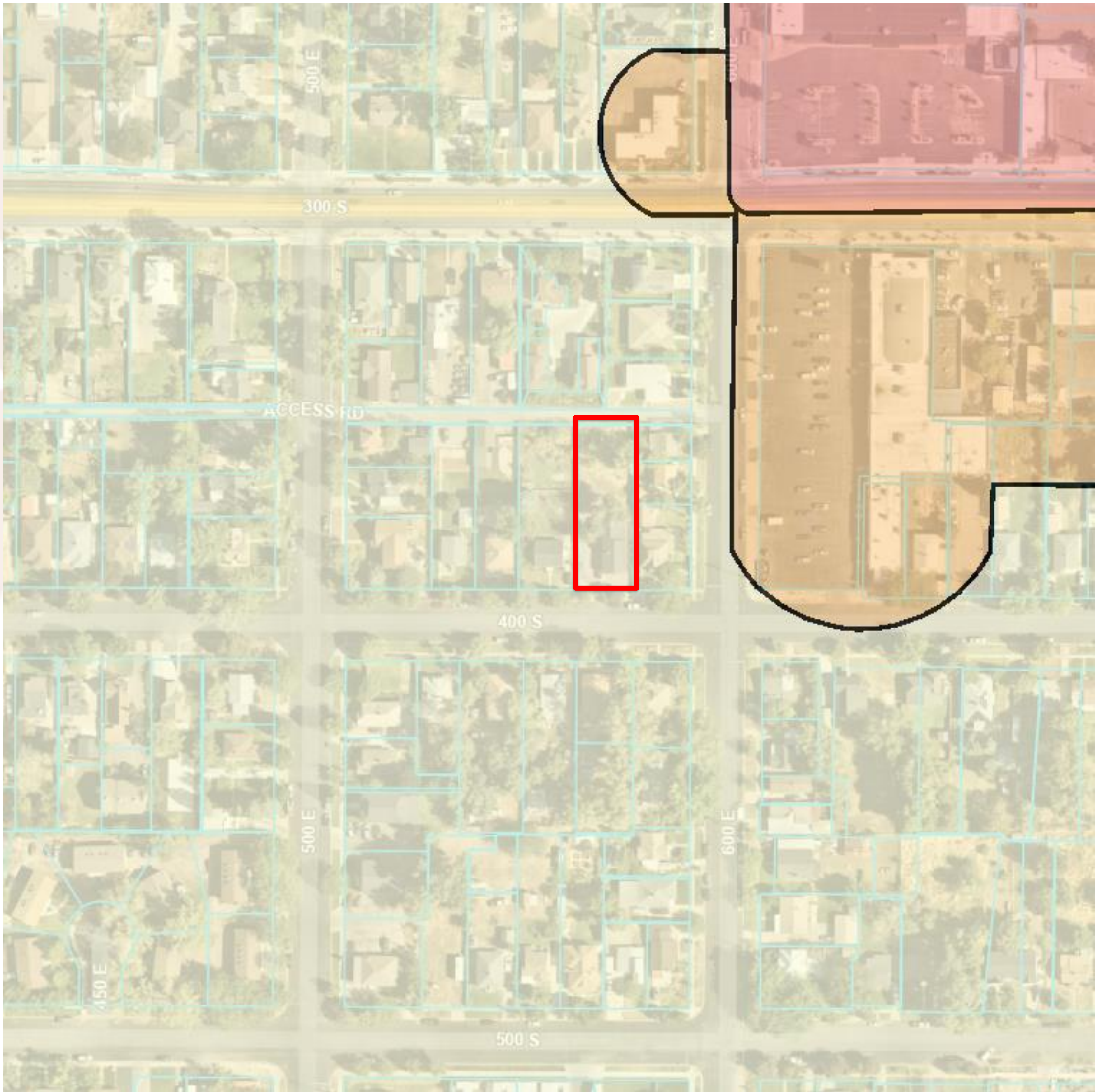


- R1.6
- CG
- PRO-R24
- RC

Area Map



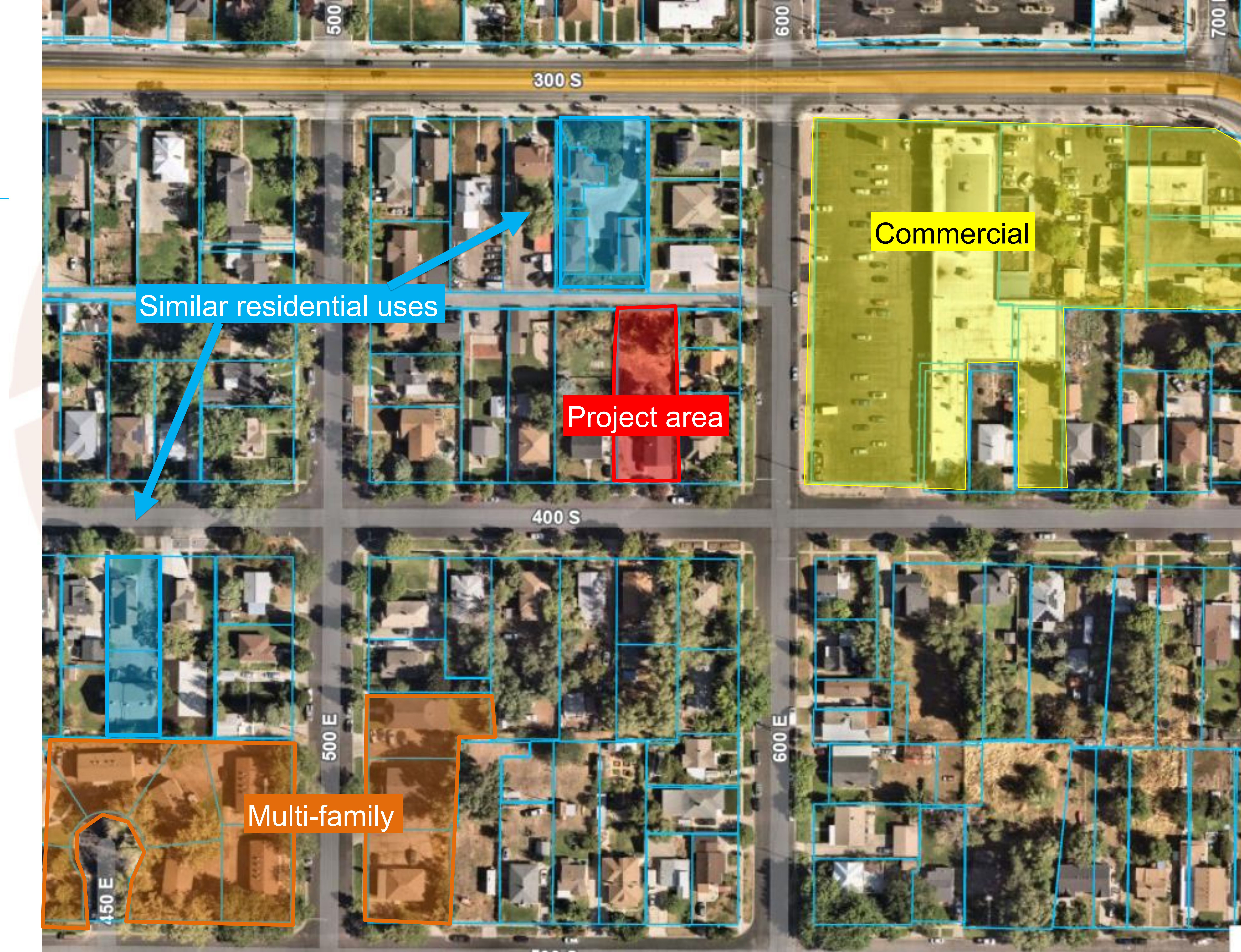
Future Land Use Map



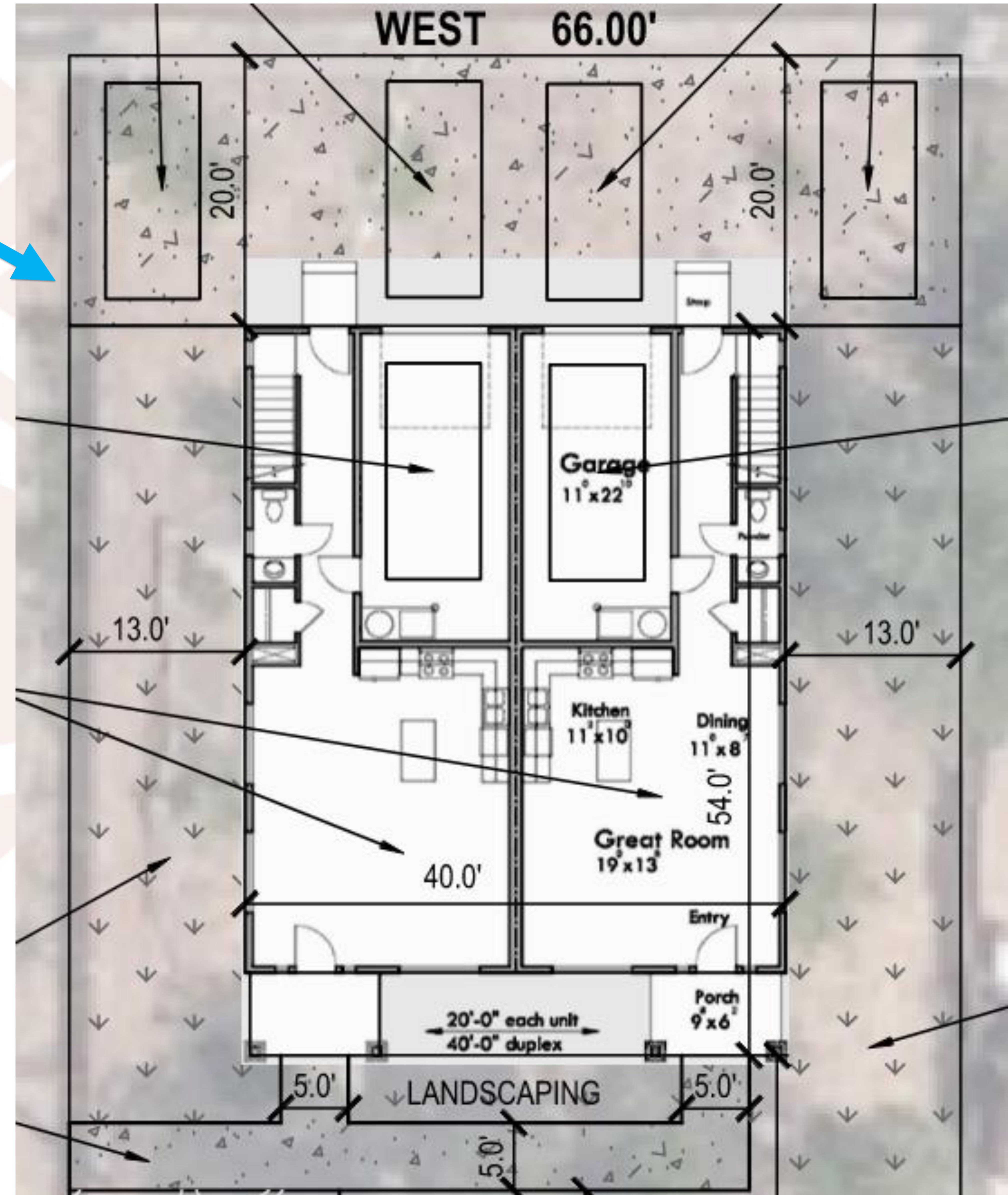
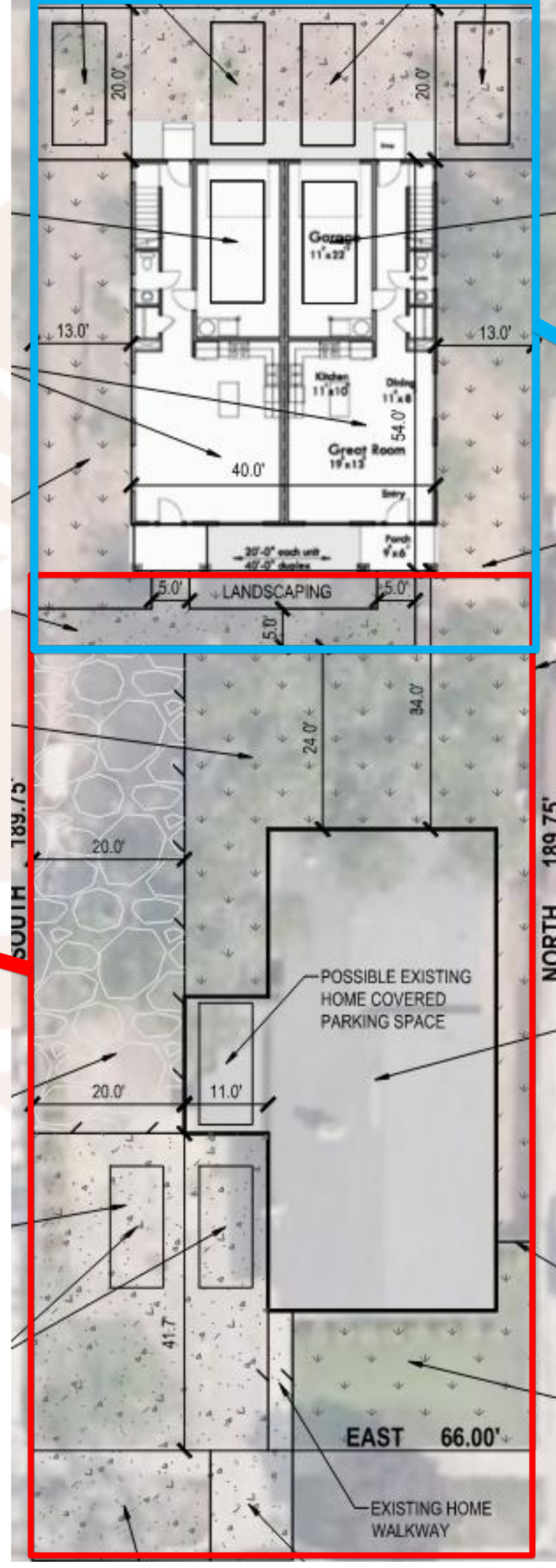
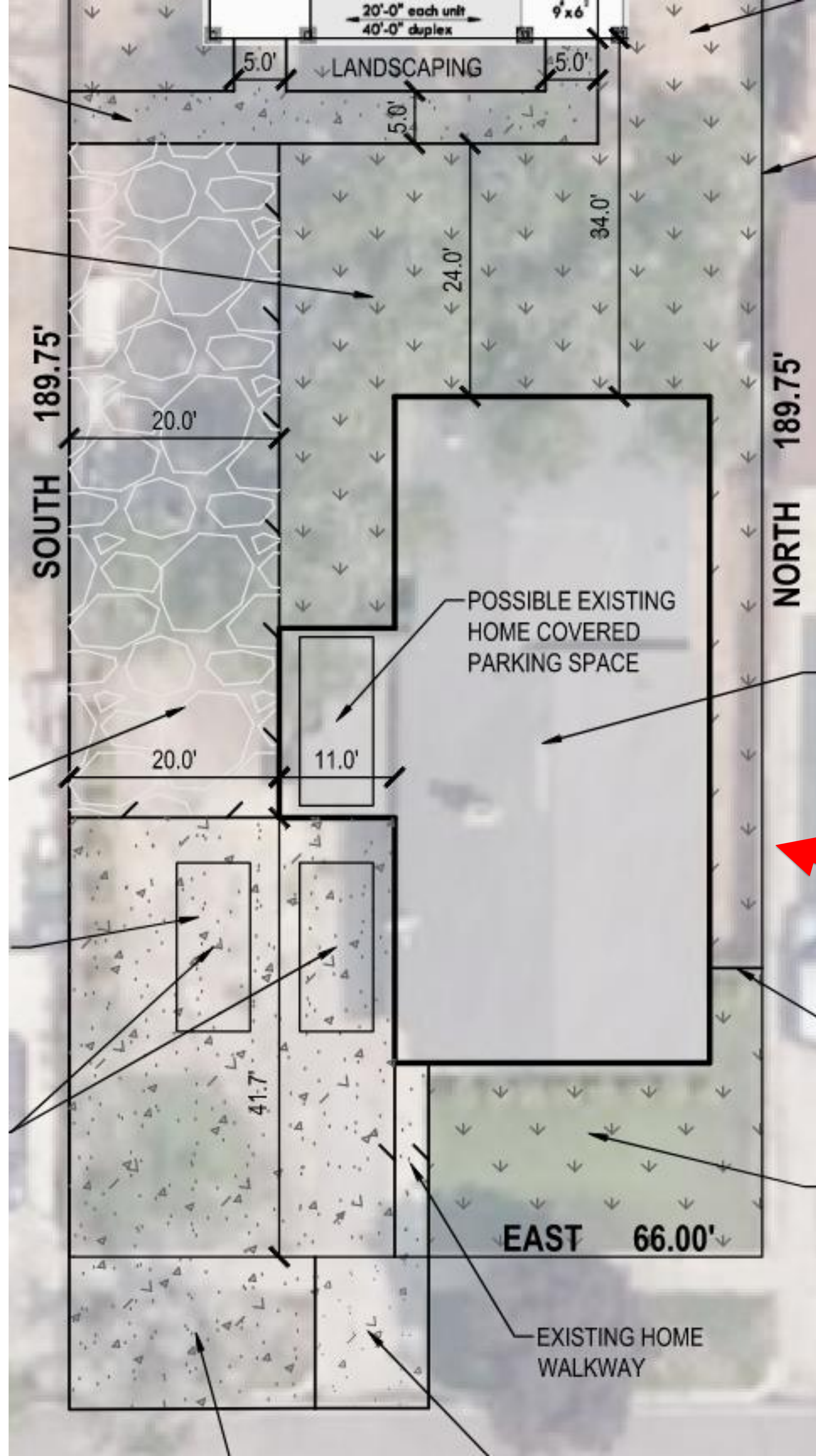
- Residential
- Commercial
- Mixed Use

Surrounding Area

Franco Zone Map Amendment

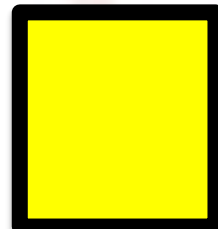


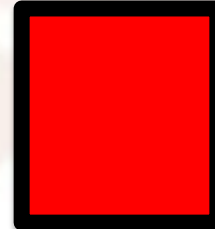
Concept Site Plan

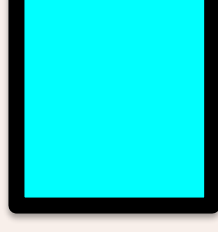


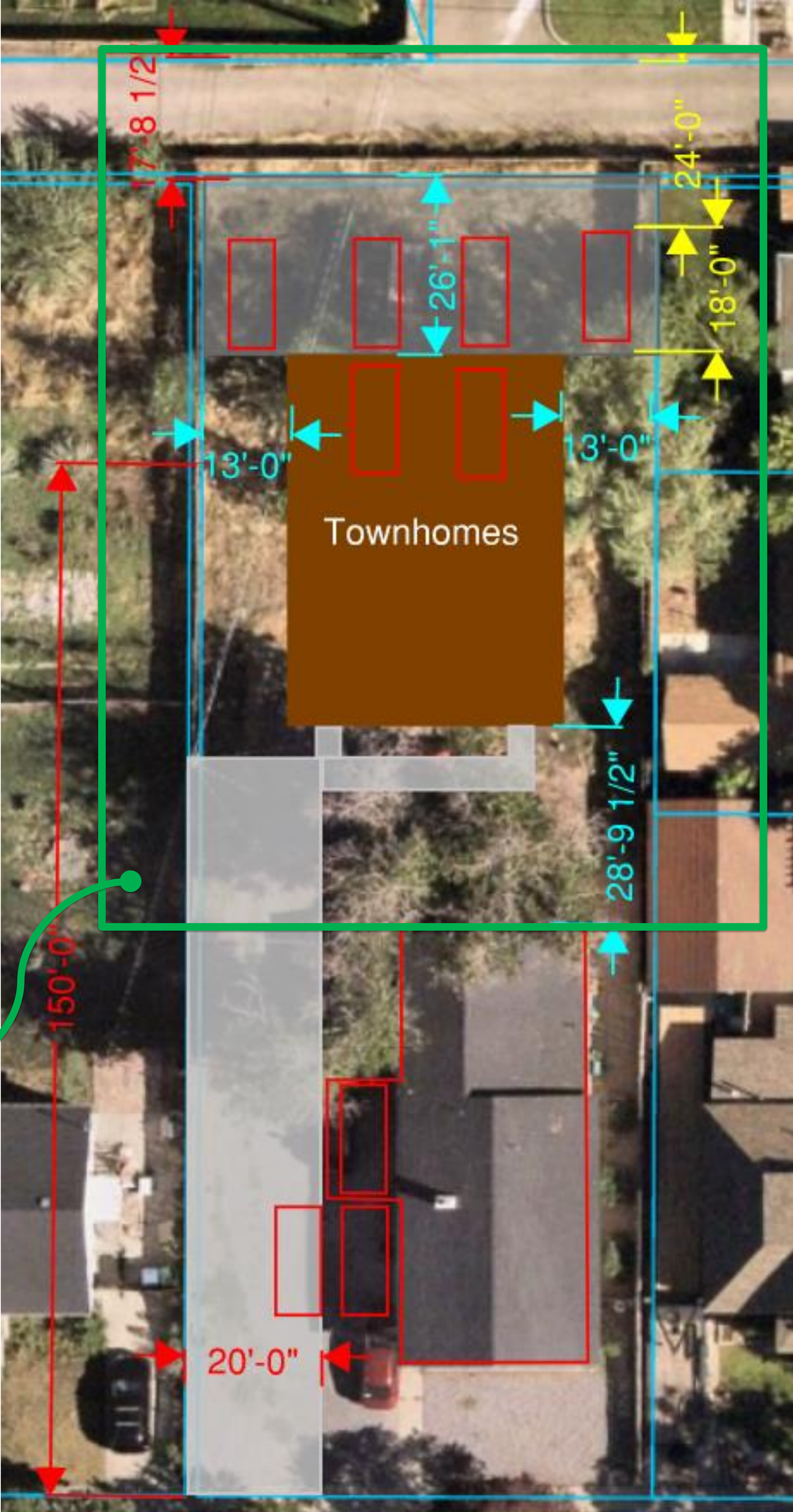
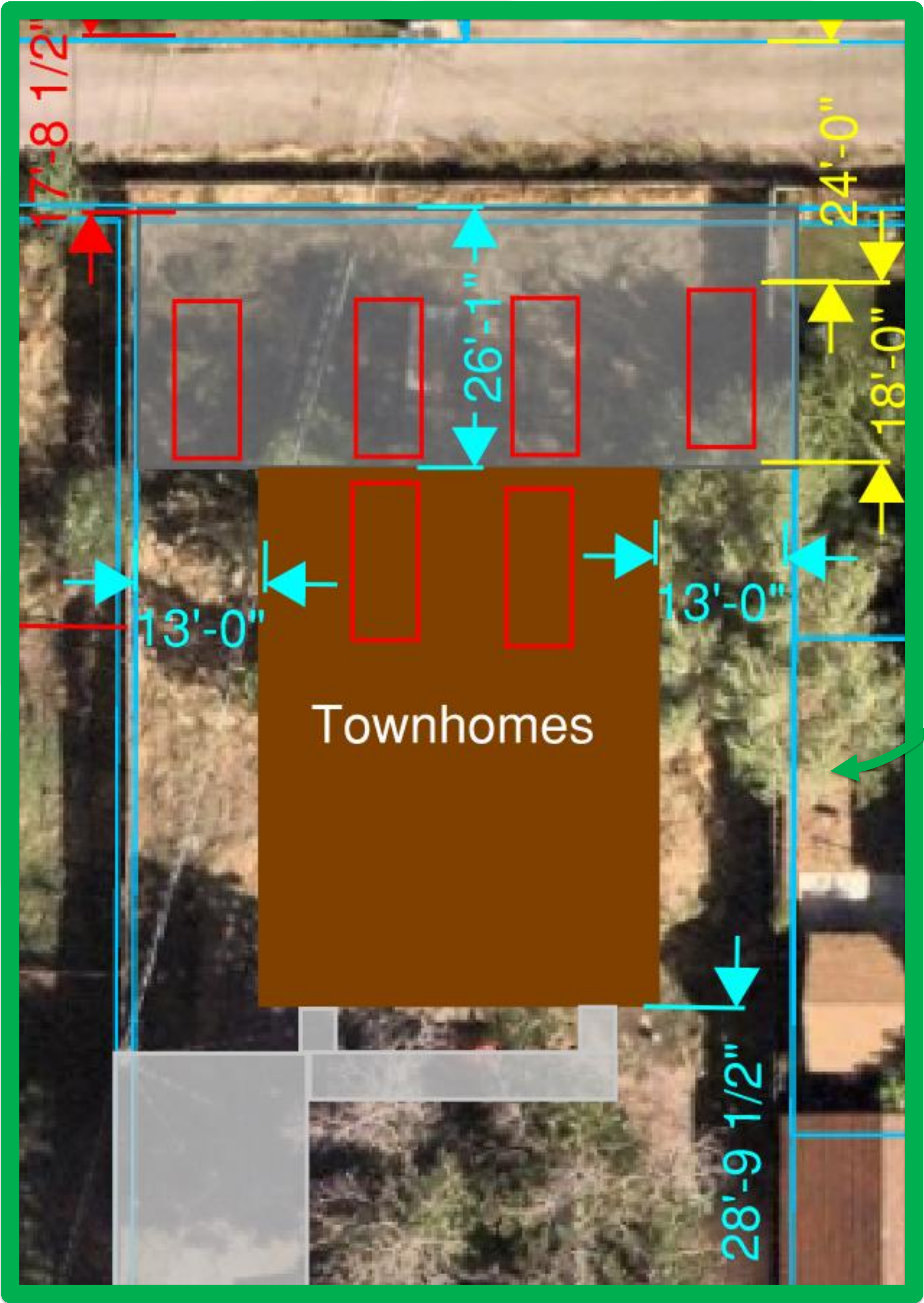
Concept Site Plan - Updated

Franco Zone Map Amendment

 Required parking length (18 ft) and backing space (24 ft)

 Width of alley (17'8")

 Setbacks



Alley Access

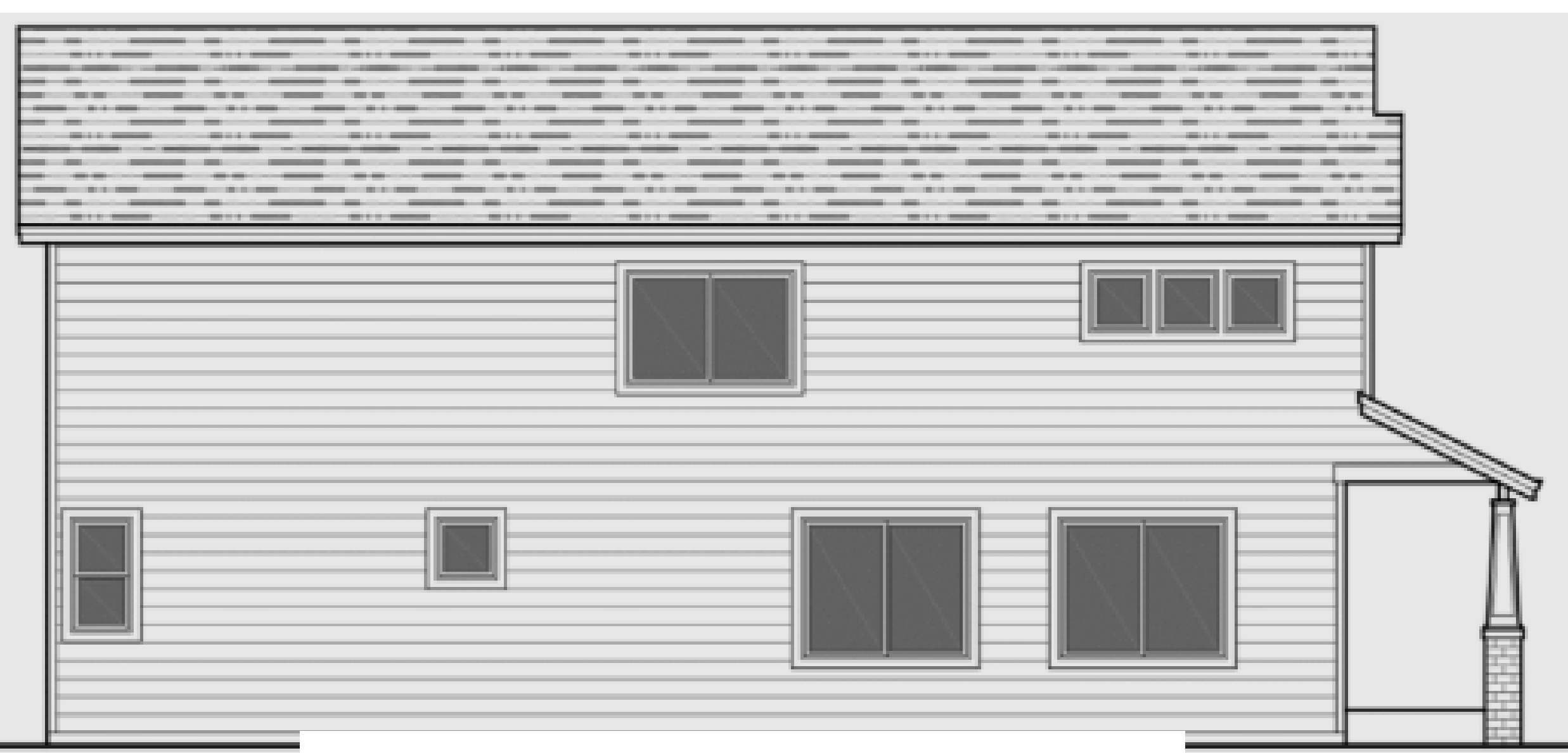
Franco Zone Map Amendment



Elevations and Floor Plans



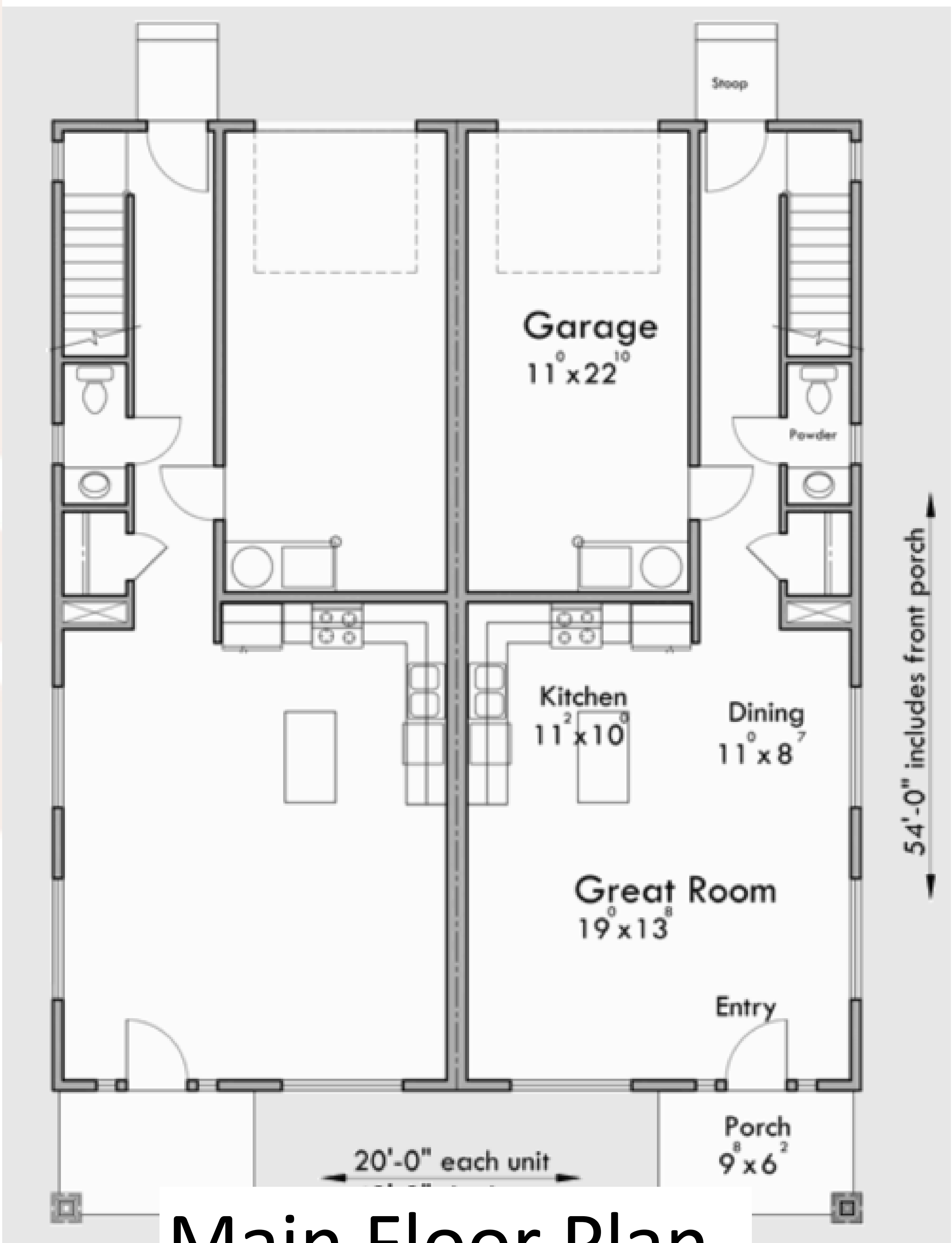
Right Elevation



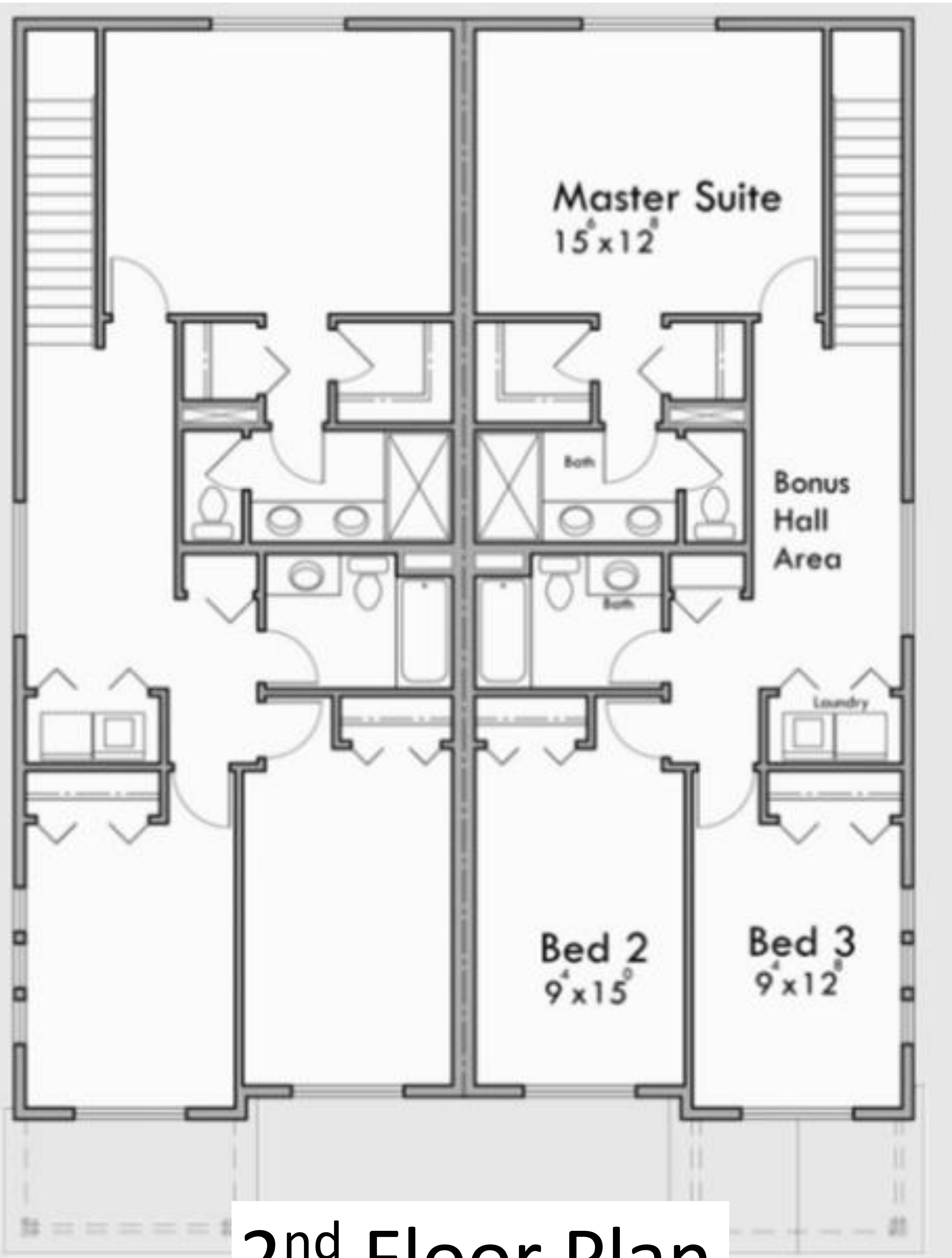
Left Elevation



REAR ELEVATION



Main Floor Plan



2nd Floor Plan

Staff Recommendation

Franco Zone Map Amendment

- Provo City staff recommend approval on this item.
- It will help to meet the goals of the General Plan.
- The ordinance amendment will increase housing diversity and supply in this neighborhood.
- The alley access will reduce traffic on 400 S and allow for more green space on the parcel.
- The density matches the surrounding neighborhood and uses

Land Use Chapter

Goal 1a: Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities.

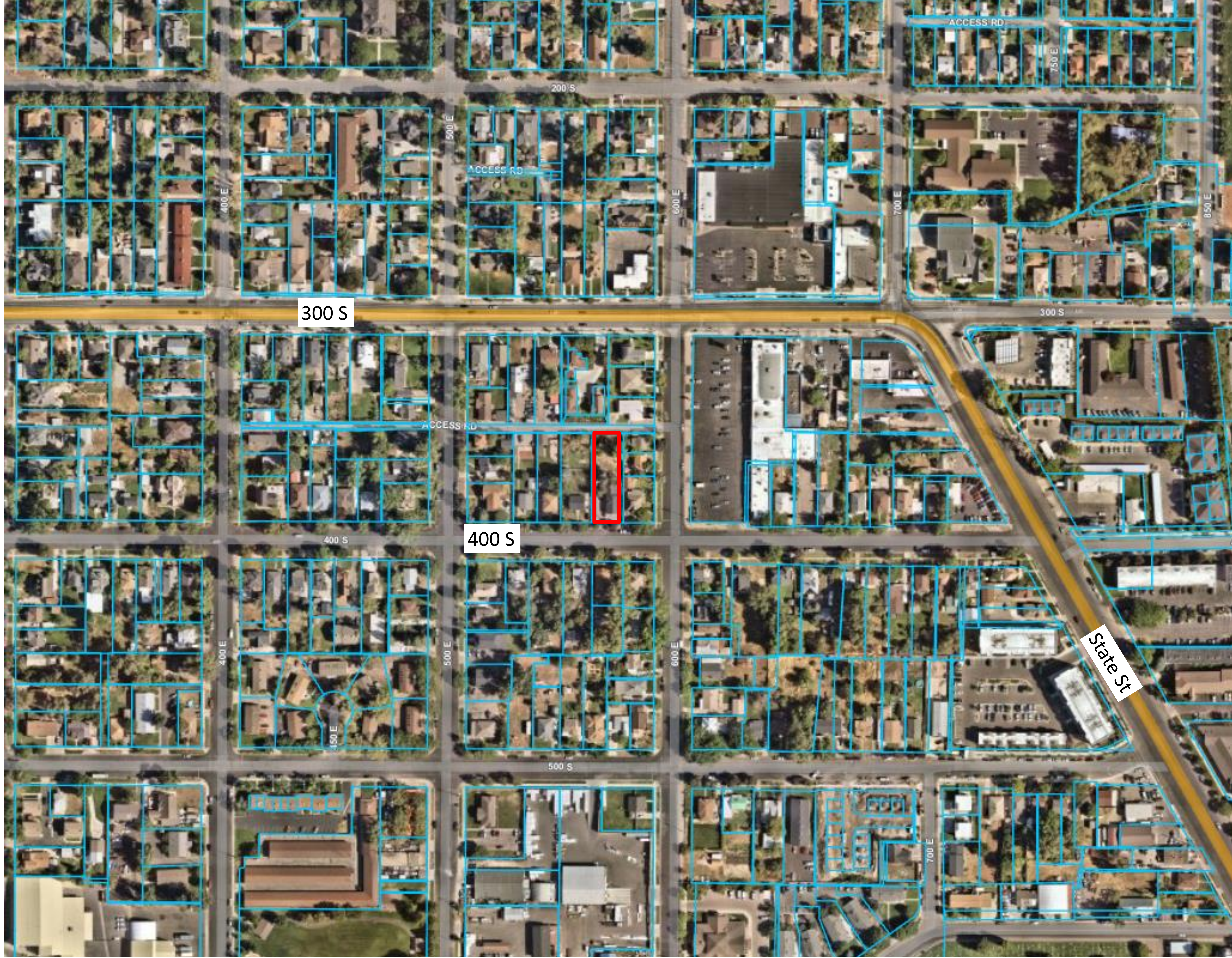
Goal 1c: Promote neighborhood scale development in residential areas, including a mix of density such as pocket neighborhoods, missing middle housing, and small lot single-family.

Housing Chapter

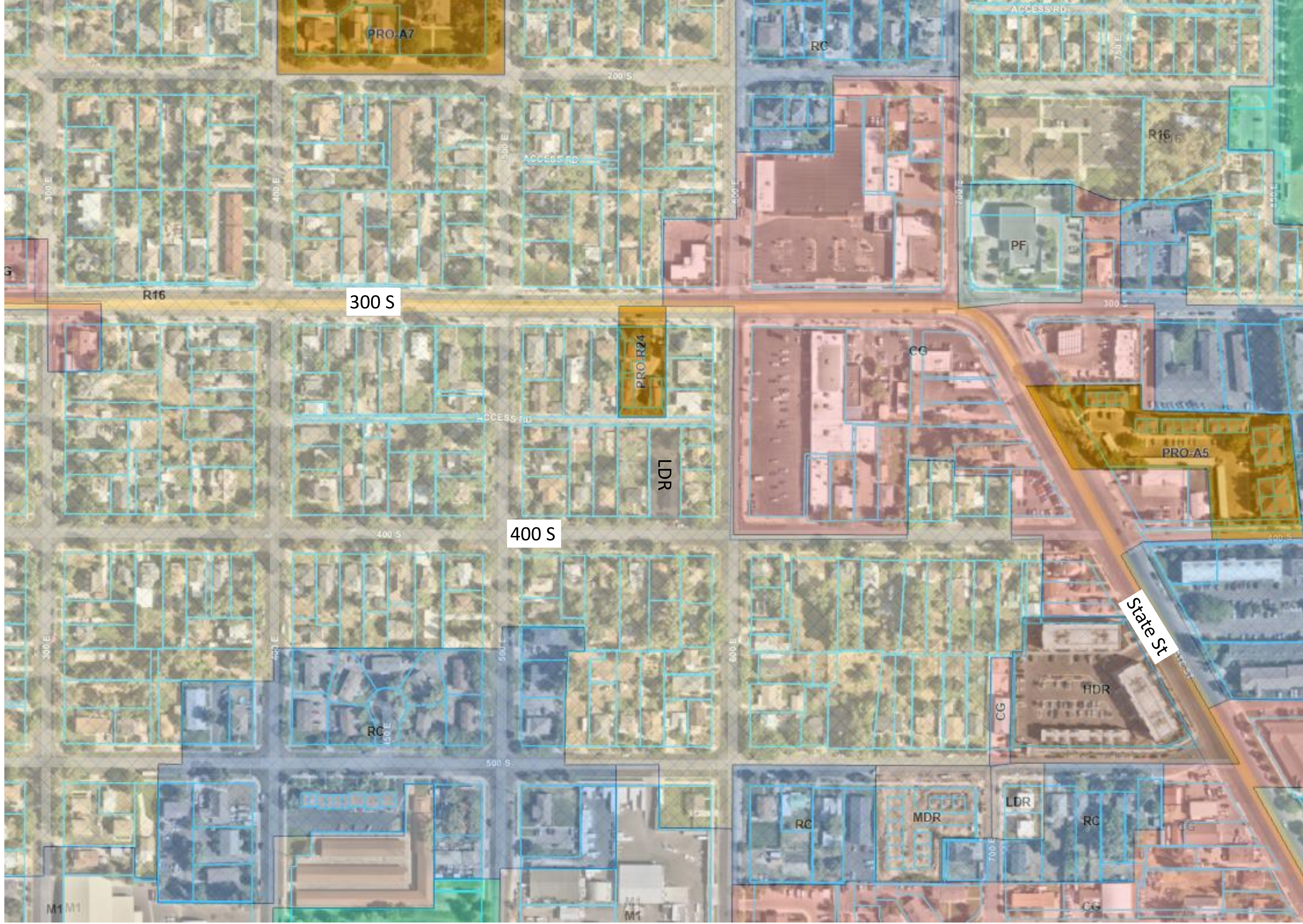
Goal 1a: Encourage opportunities for small scale, infill housing development.”

Goal 1b: Consider revising regulations to encourage development of a mix of housing types.”

Larger Area Map



Proposed Zone Map Amendment



ORDINANCE 2024-____.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF
REAL PROPERTY, GENERALLY LOCATED AT 577 EAST 400 SOUTH,
FROM THE ONE-FAMILY RESIDENTIAL (R1.6) ZONE TO THE LOW
DENSITY RESIDENTIAL (LDR) ZONE. MAESER NEIGHBORHOOD.
(PLRZ20240234)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately .29 acres of real property, located at 577 East 400 South, (an approximation of which is shown or described in Exhibit A and a more precise description of which is attached as Exhibit B), be amended from the One-Family Residential (R1.6) Zone to the Low Density Residential (LDR) Zone;

On November 13, 2024, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 8:0 vote;

On December 3, 2024, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, the Council finds that (i) the Provo Zoning Map should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

The classification on the Provo Zoning Map is amended from the One-Family Residential (R1.6) Zone to the Low Density Residential (LDR) Zone for the real property described in this ordinance.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance controls.

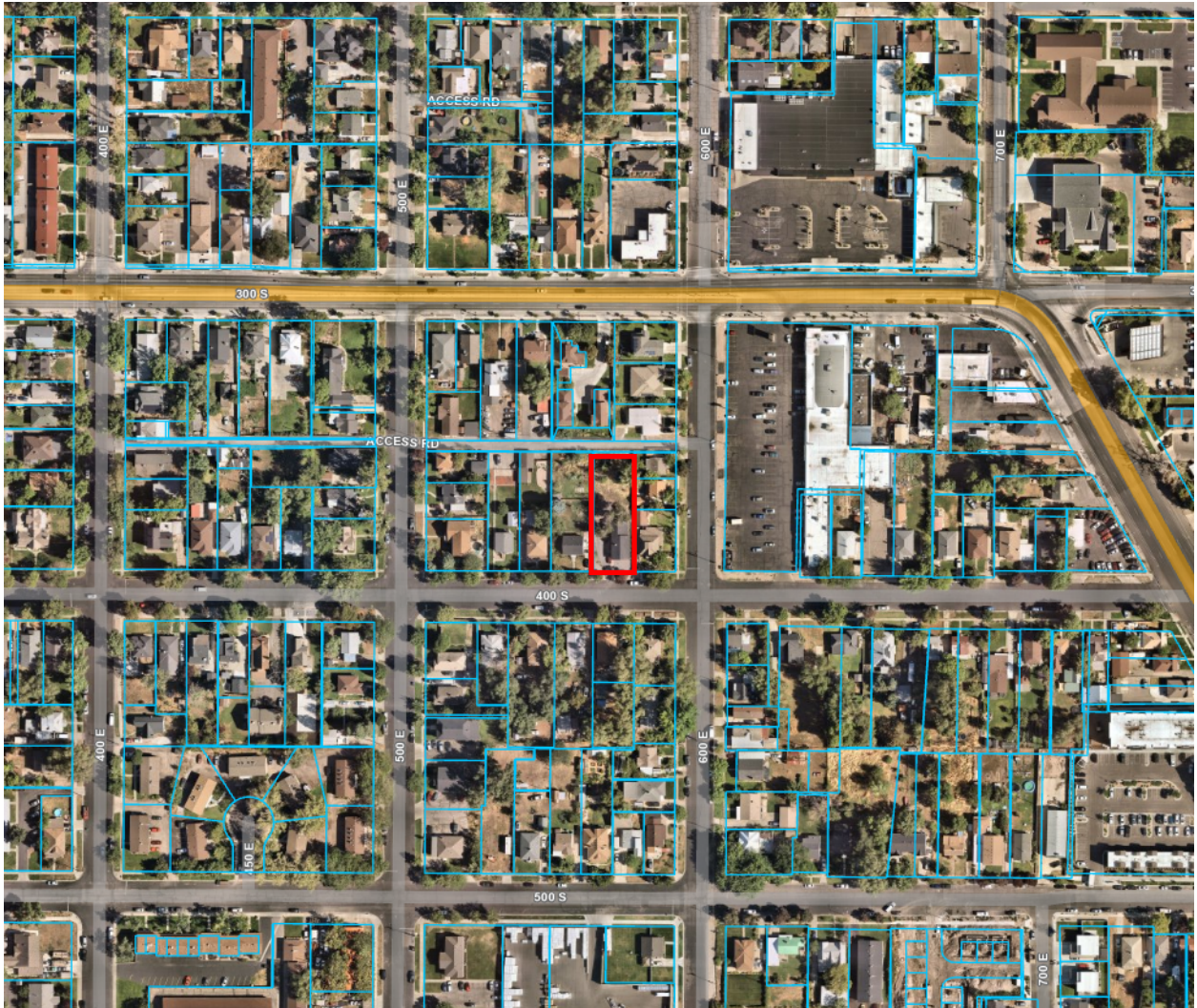
41 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
42 sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of
43 the ordinance is not affected by that determination.

44
45 C. This ordinance takes effect immediately after it has been posted or published in accordance
46 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
47 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

48
49 D. The Municipal Council directs that the Provo Zoning Map be updated and codified to
50 reflect the provisions enacted by this ordinance.
51

52 END OF ORDINANCE.

Exhibit A – Zone Map



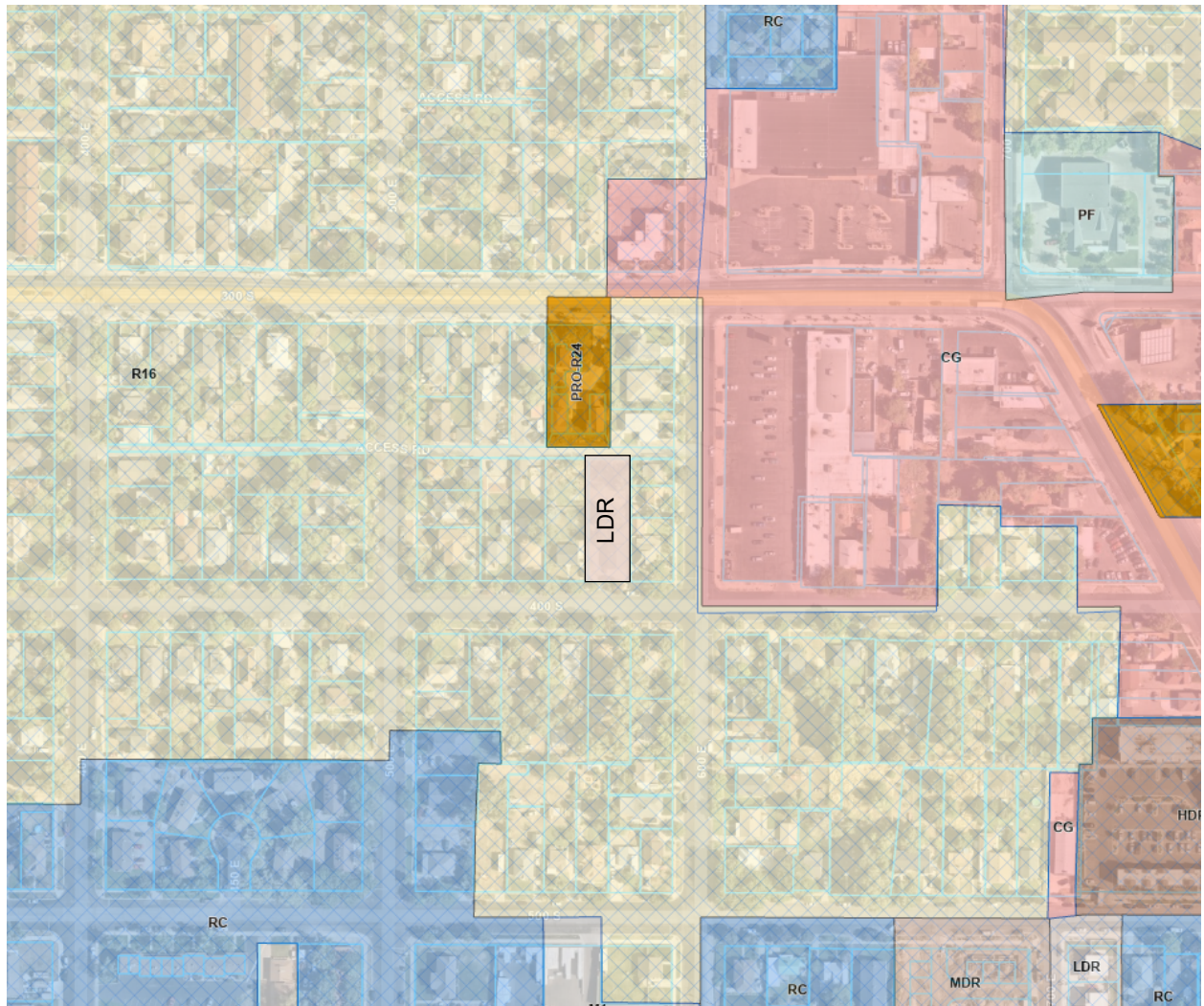


Exhibit B – Legal Description

53 COM. 4 RODS W OF SE COR OF BLK 5, PLAT C, PROVO CITY SURVEY; W 4 RODS; N 11 1/2 RODS; E 4
54 RODS; S 11 1/2 RODS TO BEG. 0.29 AC

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: AARDMORE
Department: Development Services
Requested Meeting Date: 12-03-2024

SUBJECT: An ordinance text amendment amending signage regulations for the FC3 Zone in Section 14.38.080 and Section 14.38.095. Citywide application (PLOTA20240271)

RECOMMENDATION: That the Council approves the proposed ordinance amendments.

BACKGROUND: Spencer Hymas is requesting ordinance text amendments to allow for greater signage along I-15 for a desired commercial development in the FC3 Zone. The amendments propose two changes. One, that the sign regulations for the FC3 Zone adhere to the regional shopping center sign regulations in Section 14.38.095 (instead of standards in 14.38.080). Second, that the frontage requirement along Interstate 15 also include its on and off ramps and be reduced from a minimum of 1,800 linear feet to 1,100 linear feet in Subsection 14.38.095(1)(d), Provo City Code.

There are only two properties in Provo City with FC3 zoning. The subject property shown in the image above, between 500 West and I-15 along Lakeview Parkway; and the property across the street to the south, at approximately 425 West Lakeview Parkway.

FISCAL IMPACT: None.

PRESENTER'S NAME: Aaron Ardmore, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

(a) Public purpose for the amendment in question.

Staff response: The public purpose for the amendments stated by the applicant is to "allow a property zoned FC3 which has significant frontage along I-15 to have visible signage along the freeway corridor". Staff would agree that is the purpose for the amendments, but that it has a larger public purpose by attracting large commercial users to the city, which would provide additional commercial service and sales tax.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believe that the proposed amendments are the best way to achieve the stated public purpose in this case.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: The proposed amendments help to meet goals of the General Plan, specifically, Chapter 5, goal 2b, to “Encourage economic development and business opportunities at and around the airport.” Also, it has long been an objective to get more commercial on the west side of I-15.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: Staff believe that this proposal would not hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent land owners.

Staff response: Staff do not believe there would be any adverse impacts from these amendments.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Does not apply.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: Does not apply.

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20240271

Provo City Planning Commission

Report of Action

November 13, 2024

ITEM 6* Spencer Hymas requests an Ordinance Text Amendment to amend signage regulations for the FC3 Zone in Section 14.38.080 (Signs Permitted in Commercial Zones) and Section 14.38.095 (Signs Permitted in Regional Shopping Center Zone). Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240271

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 13, 2024:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Lisa Jensen

Second By: Adam Shin

Votes in Favor of Motion: Lisa Jensen, Adam Shin, Jeff Whitlock, Barbara DeSoto, Andrew South, Jonathon Hill, Daniel Gonzales, Melissa Kendall

Jeff Whitlock was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff responded to questions from the Planning Commission regarding, size and type of signage allowed, distance from residential zones, and process.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Spencer Hymas responded to questions from the Planning Commission regarding the relative importance of the sign allowance to the overall project, tenant panels in the rendering, and sign location.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission stated that this amendment felt more like a code cleanup than a significant change for the applicant. The proposed sign standards make sense for the zone and location, and they are happy to see that the establishment of the zone seems to be working to attract the desired commercial development for that area.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.38.080 Signs Permitted in Commercial (CG, FC1, FC2, ~~FC3~~, CM, and CA) Zones.

Signs within the General Commercial (CG), Freeway Commercial (FC1), Freeway Commercial Two (FC2), ~~Freeway Commercial Three (FC3)~~, Heavy Commercial (CM), and Commercial Automotive (CA) zones shall be regulated by the following provisions [...]

(2) *Freestanding Signs Over Five (5) Feet in Height.* On-premises freestanding signs over five (5) feet in height shall comply with the following provisions:

- (a) *Area.* Refer to Section 14.38.130, Provo City Code.
- (b) *Number.* There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of two hundred (200) feet (except for the FC1, ~~and FC2, and FC3~~ zones). The size of any such additional sign shall be determined from Section 14.38.130, Provo City Code, by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.
- (c) *Height.* No such sign shall exceed thirty-five (35) feet in height.
- (d) *Projection.* No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

14.38.095 Signs Permitted in Regional Shopping Center Zone (SC3).

Signs within the Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) zones shall be regulated by the following provisions. Any signs, or types of sign, not expressly allowed by this Section are prohibited.

(1) *Freestanding Signs Over Five (5) Feet in Height.* Each shopping center facility established in an SC3 or FC3 zone may have a freestanding sign over five (5) feet in height as follows:

- (a) The area of the sign shall be as described in Section 14.38.130, Provo City Code.
- (b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal feet (see Section 14.38.130, Provo City Code) the planning commission may approve a freestanding sign with a total area exceeding three hundred twenty (320) square feet. The actual size of the larger sign shall be determined by the Planning Commission based on the following:
 - (i) The degree to which the signs and the landscaping thereof architecturally and aesthetically blend with the shopping center facility and the landscaping thereof.
 - (ii) The volume and speed of travel of vehicular traffic moving past the shopping center facility.
 - (iii) The total number of tenants and the number of major tenants in the shopping center facility.
 - (iv) The area of the larger sign shall not be increased more than thirty-two (32) square feet (in excess of three hundred twenty (320) square feet) for each twenty-five (25) lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).
 - (v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A second sign, not exceeding seven hundred twenty (720) square feet of sign space may be allowed if the shopping center facility has more than five hundred (500) lineal feet of frontage; provided, that no more than two (2) signs may be erected.
- (c) No freestanding sign shall exceed forty (40) feet in height.

(d) Notwithstanding the above provisions, a shopping center facility that has more than ~~one thousand eight hundred (1,800)~~ one thousand one hundred (1,100) linear feet of frontage directly adjacent to Interstate 15 and on/off ramps shall be allowed one (1) freestanding sign that meets the following criteria:

- (i) Shall not exceed one thousand four hundred (1,400) square feet of sign space.
- (ii) Shall not exceed ninety (90) feet in height.
- (iii) Shall be located adjacent to Interstate 15.
- (iv) Transition time between each message shall comply with the requirements of Chapter 6.06, Provo City Code.

-
- *ITEM #6** Spencer Hymas requests an Ordinance Text Amendment to amend signage regulations for the FC3 Zone in Section 14.38.080 (Signs Permitted in Commercial Zones) and Section 14.38.095 (Signs Permitted in Regional Shopping Center Zone). Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240271
-

Applicant: Spencer Hymas

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 11th, 2024.*
2. **Recommend Denial** of the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The applicant has been working with Development Services staff on plans for a large retail use at the intersection of I-15 and Lakeview Parkway, in the FC3 (Freeway Commercial Three) Zone, and approached staff with need for increased signage allowance. Staff suggested options that could meet the applicants' needs, and the applicant submitted this proposal in September.

Neighborhood Issues: This is a citywide application; no neighborhood meetings were held to discuss the proposal. Staff have not been made aware of any concerns at the time of this report.

Summary of Key Issues:

- Proposal is to change the sign regulation referenced for the FC3 Zone from the commercial sign standards (14.38.080) to the regional shopping center sign standards (14.38.095)
- Proposal also amends the regional shopping center sign standards to include larger sign allowances for lots with I-15 on/off ramp adjacency and reduces frontage requirement from 1,800 feet to 1,110 feet.
- FC3 uses are more analogous to SC3 uses and should therefore be allowed similar signage.

Staff Recommendation: Staff recommend that the Planning Commission recommend approval of the proposed ordinance text amendments.

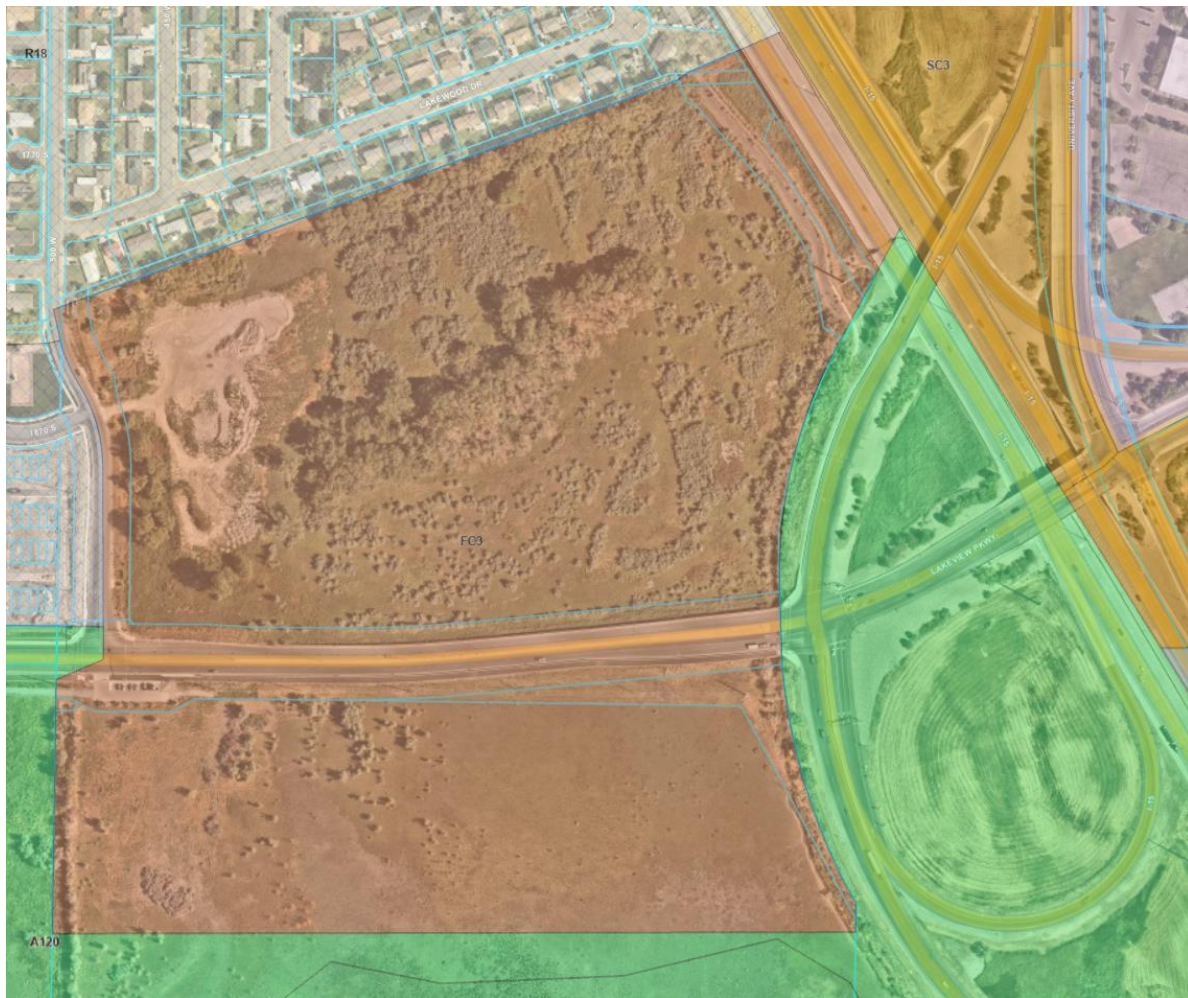
OVERVIEW

Spencer Hymas is requesting ordinance text amendments to allow for greater signage along I-15 for a desired commercial development in the FC3 Zone. The amendments propose two changes. One, that the sign regulations for the FC3 Zone adhere to the regional shopping center sign regulations in Section 14.38.095 (instead of standards in 14.38.080). Second, that the frontage requirement along Interstate 15 also include its' on and off ramps and be reduced from a minimum of 1,800 linear feet to 1,100 linear feet in Subsection 14.38.095(1)(d), Provo City Code.

Approval of these two amendments would allow the sign shown in the photo-simulation below:



There are only two properties in Provo City with FC3 zoning. The subject property shown in the image above, between 500 West and I-15 along Lakeview Parkway; and the property across the street to the south, at approximately 425 West Lakeview Parkway, as shown below:



STAFF ANALYSIS

As noted above, staff believe that the move from 14.38.080 to 14.38.095 for signs in the FC3 Zone makes sense. The permitted uses in the two zones are similar, both serving the purpose of providing regional commercial uses to Provo. Further staff analysis is provided by responding to criteria in Section 14.02.020, Provo City Code below: (staff responses in bold)

(a) Public purpose for the amendment in question.

Staff response: The public purpose for the amendments stated by the applicant is to “allow a property zoned FC3 which has significant frontage along I-15 to have visible signage along the freeway corridor”. Staff would agree that is the purpose for the amendments, but that it has a larger public purpose by attracting large commercial users to the city, which would provide additional commercial service and sales tax.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believe that the proposed amendments are the best way to achieve the stated public purpose in this case.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: The proposed amendments help to meet goals of the General Plan, specifically, Chapter 5, goal 2b, to “Encourage economic development and business opportunities at and around the airport.” Also, it has long been an objective to get more commercial on the west side of I-15.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: Staff believe that this proposal would not hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent land owners.

Staff response: Staff do not believe there would be any adverse impacts from these amendments.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Does not apply.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: Does not apply.

CONCLUSIONS

Staff believe that the proposal is fair and just, and that it creates a better welcome for potential commercial users in the FC3 Zone. The SC3 Zone has seen success with the greater allowance for signage in attracting users that provide commercial services to our residents and help the general fund with increased sales tax, allowing city services to continue providing excellent service citywide.

ATTACHMENTS

1. Proposed Amendments

ATTACHMENT 1 – PROPOSED AMENDMENTS

14.38.080 Signs Permitted in Commercial (CG, FC1, FC2, ~~FC3~~, CM, and CA) Zones.

Signs within the General Commercial (CG), Freeway Commercial (FC1), Freeway Commercial Two (FC2), ~~Freeway Commercial Three (FC3)~~, Heavy Commercial (CM), and Commercial Automotive (CA) zones shall be regulated by the following provisions [...]

(2) *Freestanding Signs Over Five (5) Feet in Height.* On-premises freestanding signs over five (5) feet in height shall comply with the following provisions:

- (a) *Area.* Refer to Section 14.38.130, Provo City Code.
- (b) *Number.* There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of two hundred (200) feet (except for the FC1, ~~and FC2, and FC3~~ zones). The size of any such additional sign shall be determined from Section 14.38.130, Provo City Code, by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.
- (c) *Height.* No such sign shall exceed thirty-five (35) feet in height.
- (d) *Projection.* No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

14.38.095 Signs Permitted in Regional Shopping Center Zone (SC3).

Signs within the Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) zones shall be regulated by the following provisions. Any signs, or types of sign, not expressly allowed by this Section are prohibited.

(1) *Freestanding Signs Over Five (5) Feet in Height.* Each shopping center facility established in an SC3 or FC3 zone may have a freestanding sign over five (5) feet in height as follows:

- (a) The area of the sign shall be as described in Section 14.38.130, Provo City Code.
- (b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal feet (see Section 14.38.130, Provo City Code) the planning commission may approve a freestanding sign with a total area exceeding three hundred twenty (320) square feet. The actual size of the larger sign shall be determined by the Planning Commission based on the following:
 - (i) The degree to which the signs and the landscaping thereof architecturally and aesthetically blend with the shopping center facility and the landscaping thereof.
 - (ii) The volume and speed of travel of vehicular traffic moving past the shopping center facility.
 - (iii) The total number of tenants and the number of major tenants in the shopping center facility.
 - (iv) The area of the larger sign shall not be increased more than thirty-two (32) square feet (in excess of three hundred twenty (320) square feet) for each twenty-five (25) lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).
 - (v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A second sign, not exceeding seven hundred twenty (720) square feet of sign space may be allowed if the shopping center facility has more than five hundred (500) lineal feet of frontage; provided, that no more than two (2) signs may be erected.
- (c) No freestanding sign shall exceed forty (40) feet in height.

(d) Notwithstanding the above provisions, a shopping center facility that has more than ~~one thousand eight hundred (1,800)~~ one thousand one hundred (1,100) linear feet of frontage directly adjacent to Interstate 15 and on/off ramps shall be allowed one (1) freestanding sign that meets the following criteria:

- (i) Shall not exceed one thousand four hundred (1,400) square feet of sign space.
- (ii) Shall not exceed ninety (90) feet in height.
- (iii) Shall be located adjacent to Interstate 15.
- (iv) Transition time between each message shall comply with the requirements of Chapter 6.06, Provo City Code.

ORDINANCE 2024-____.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING SIGNS
PERMITTED IN THE FREEWAY COMMERCIAL (FC3) AND REGIONAL
SHOPPING CENTER ZONES (SC3). CITYWIDE APPLICATION.
(PLOTA20240271)

RECITALS:

It is proposed that Provo City Code Title 14 be amended regarding sign regulations in
certain commercial zones;

On November 13, 2024, the Planning Commission held a public hearing to consider the
proposed amendment, and after the hearing, the Planning Commission recommended approval to
the Municipal Council by a vote of 8:0;

On December 3, 2024, the Municipal Council met to ascertain the facts regarding this
matter and receive public comment, which facts and comments are found in the public record of
the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i)
Provo City Code should be amended as set forth below, and (ii) such action furthers the health,
safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code Sections 14.38.080 and 14.38.095 are amended as set forth in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

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D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

EXHIBIT A

14.38.080 Signs Permitted in Commercial (CG, FC1, FC2, ~~FC3~~, CM, and CA) Zones.

Signs within the General Commercial (CG), Freeway Commercial (FC1), Freeway Commercial Two (FC2), ~~Freeway Commercial Three (FC3)~~, Heavy Commercial (CM), and Commercial Automotive (CA) zones shall be regulated by the following provisions. Any signs, or types of sign, not expressly allowed by this Section are prohibited. (See Sections 14.38.090 and 14.38.100, Provo City Code for signs in Shopping Center (SC) zones).

...

(2) *Freestanding Signs Over Five (5) Feet in Height.* On-premises freestanding signs over five (5) feet in height shall comply with the following provisions:

(a) *Area.* Refer to Section 14.38.130, Provo City Code.

(b) *Number.* There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of two hundred (200) feet (except for the FC1, ~~and FC2, and FC3~~ zones). The size of any such additional sign shall be determined from Section 14.38.130, Provo City Code, by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.

(c) *Height.* No such sign shall exceed thirty-five (35) feet in height.

(d) *Projection.* No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

...

14.38.095 Signs Permitted in Regional Shopping Center Zone (SC3).

Signs within the Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) zones shall be regulated by the following provisions. Any signs, or types of sign, not expressly allowed by this Section are prohibited.

(1) *Freestanding Signs Over Five (5) Feet in Height.* Each shopping center facility established in an SC3 or FC3 zone may have a freestanding sign over five (5) feet in height as follows:

(a) The area of the sign shall be as described in Section 14.38.130, Provo City Code.

(b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal feet (see Section 14.38.130, Provo City Code) the planning commission may approve a freestanding sign with a total area exceeding three hundred twenty (320) square feet. The actual size of the larger sign shall be determined by the Planning Commission based on the following:

(i) The degree to which the signs and the landscaping thereof architecturally and aesthetically blend with the shopping center facility and the landscaping thereof.

(ii) The volume and speed of travel of vehicular traffic moving past the shopping center facility.

(iii) The total number of tenants and the number of major tenants in the shopping center facility.

(iv) The area of the larger sign shall not be increased more than thirty-two (32) square feet (in excess of three hundred twenty (320) square feet) for each twenty-five (25) lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).

(v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A second sign, not exceeding seven hundred twenty (720) square feet of sign space may be allowed if the shopping center facility has more than five hundred (500) lineal feet of frontage; provided, that no more than two

(2) signs may be erected.

(c) No freestanding sign shall exceed forty (40) feet in height.

(d) Notwithstanding the above provisions, a shopping center facility that has more than ~~one thousand eight hundred (1,800)~~ one thousand one hundred (1,100) lineal feet of frontage directly adjacent to Interstate 15 shall be allowed one (1) freestanding sign that meets the following criteria:

(i) Shall not exceed one thousand four hundred (1,400) square feet of sign space.

(ii) Shall not exceed ninety (90) feet in height.

(iii) Shall be located adjacent to Interstate 15.

(iv) Transition time between each message shall comply with the requirements of Chapter 6.06, Provo City Code.

(e) For purposes of subsection (d), the measurement of frontage adjacent to Interstate 15 includes frontage adjacent to freeway ramps leading to or from Interstate 15.

(f) Large-scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional freestanding development entrance signs subject to the following standards:

FC3 Signs Amendment

- Moves Sign standard from 14.38.080 to 14.38.095
- Adjusts I-15 adjacency requirements

14.38.080 Signs Permitted in Commercial (CG, FC1, FC2, ~~FC3~~, CM, and CA) Zones.

Signs within the General Commercial (CG), Freeway Commercial (FC1), Freeway Commercial Two (FC2), ~~Freeway Commercial Three (FC3)~~, Heavy Commercial (CM), and Commercial Automotive (CA) zones shall be regulated by the following provisions [...]

(2) *Freestanding Signs Over Five (5) Feet in Height.* On-premises freestanding signs over five (5) feet in height shall comply with the following provisions:

- (a) *Area.* Refer to Section 14.38.130, Provo City Code.
- (b) *Number.* There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of two hundred (200) feet (except for the FC1, ~~and FC2, and FC3~~ zones). The size of any such additional sign shall be determined from Section 14.38.130, Provo City Code, by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.
- (c) *Height.* No such sign shall exceed thirty-five (35) feet in height.
- (d) *Projection.* No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

14.38.095 Signs Permitted in Regional Shopping Center Zone (SC3).

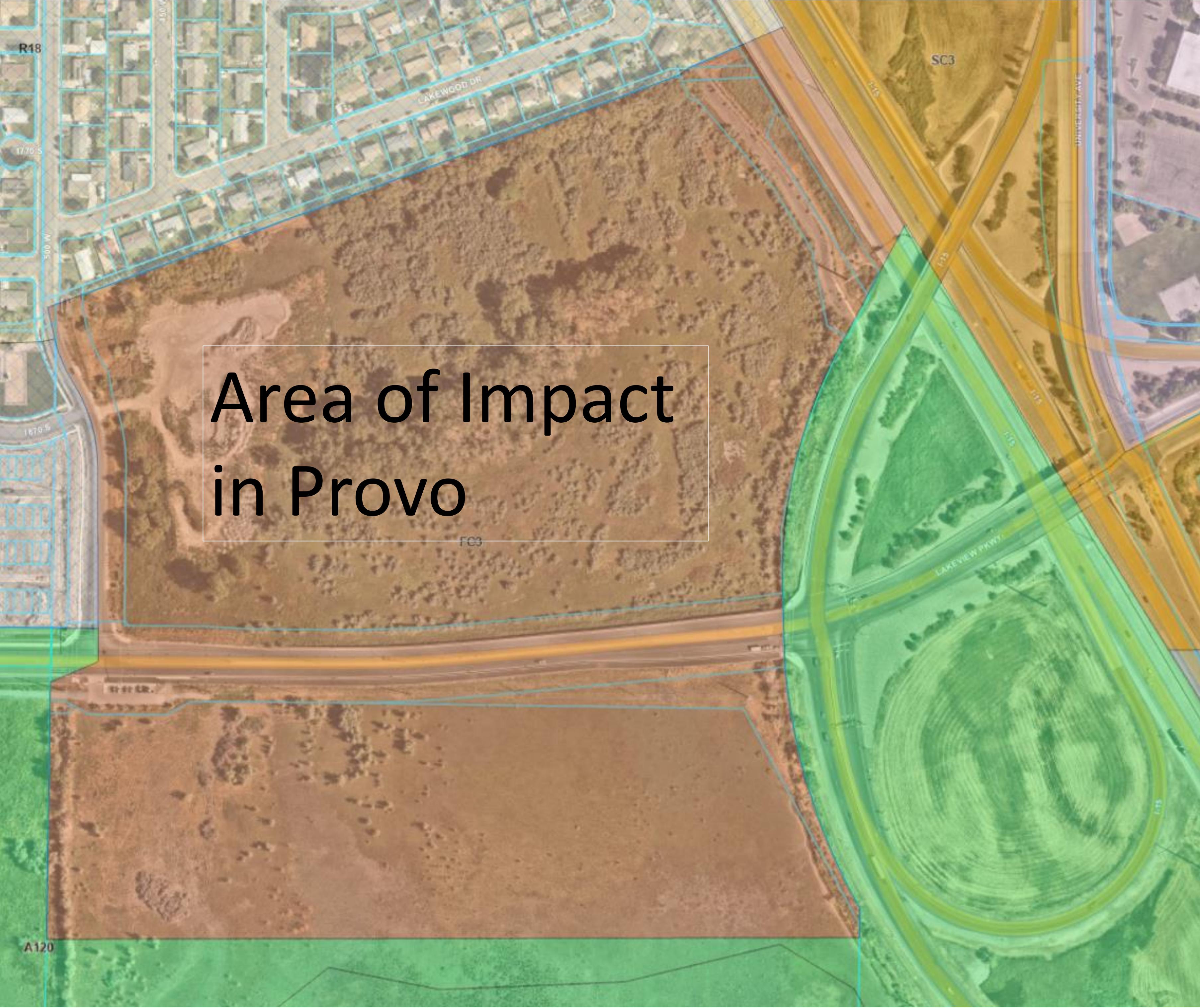
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(1) *Freestanding Signs Over Five (5) Feet in Height.* Each shopping center facility established in an SC3 ~~or FC3 zone~~ may have a freestanding sign over five (5) feet in height as follows:

- (a) The area of the sign shall be as described in Section ~~14.38.130~~, Provo City Code.
- (b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal feet (see Section ~~14.38.130~~, Provo City Code) the planning commission may approve a freestanding sign with a total area exceeding three hundred twenty (320) square feet. The actual size of the larger sign shall be determined by the Planning Commission based on the following:
 - (i) The degree to which the signs and the landscaping thereof architecturally and aesthetically blend with the shopping center facility and the landscaping thereof.
 - (ii) The volume and speed of travel of vehicular traffic moving past the shopping center facility.
 - (iii) The total number of tenants and the number of major tenants in the shopping center facility.
 - (iv) The area of the larger sign shall not be increased more than thirty-two (32) square feet (in excess of three hundred twenty (320) square feet) for each twenty-five (25) lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).
 - (v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A second sign, not exceeding seven hundred twenty (720) square feet of sign space may be allowed if the shopping center facility has more than five hundred (500) lineal feet of frontage; provided, that no more than two (2) signs may be erected.
- (c) No freestanding sign shall exceed forty (40) feet in height.

(d) Notwithstanding the above provisions, a shopping center facility that has more than ~~one thousand eight hundred (1,800)~~ one thousand one hundred (1,100) linear feet of frontage directly adjacent to Interstate 15 ~~and on/off ramps~~ shall be allowed one (1) freestanding sign that meets the following criteria:

- (i) Shall not exceed one thousand four hundred (1,400) square feet of sign space.
- (ii) Shall not exceed ninety (90) feet in height.
- (iii) Shall be located adjacent to Interstate 15.
- (iv) Transition time between each message shall comply with the requirements of Chapter ~~6.06~~, Provo City Code.



FC3 Signs Amendment

- Moves Sign standard from 14.38.080 to 14.38.095
- Adjusts I-15 adjacency requirements



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 01-01-2018

SUBJECT: An ordinance amending Provo City Code Section 14.30.040 (Special Use Permit for Accessory Dwelling Unit) to remove previous legislation and replace it with new standards. Citywide application. (PLOTA20240275) (24-016)

RECOMMENDATION: Approve the ordinance text amendment.

BACKGROUND: The Provo City Council motioned on January 9th and April 30th directing Council staff to review “supplemental ADU rules” including the extra living space, second kitchen agreements, occupancy and parking limits, as well as the City’s education/enforcement toolkit regarding ADUs and propose enhancements if deemed necessary.

Council staff held meetings with community members, Development Services and Legal staff, and Councilors and drafted several text amendments related to the Council motions.

During the August 20th and September 3rd Council Work Meetings, five text amendments were moved forward to be heard at a Council Meeting for final approval.

After review of all feedback and Council member policy decisions, the proposed ordinance removes half of the original special use permit process: the individual property pathway. Residents can still apply for ADU permitted use for their property through the signature and ordinance text amendment process. The individual pathway with administrative approval for an ADU permit that runs with the owner applicant is removed with this proposed amendment.

FISCAL IMPACT: N/A

PRESENTER’S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 15 minutes

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20240275

ORDINANCE 2024-____.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING SPECIAL
USE PERMITS FOR ACCESSORY DWELLING UNITS. CITYWIDE
APPLICATION. (PLOT20240275) (24-016)

RECITALS:

It is proposed that Provo City Code be amended to remove the special use permit
administrative pathway to ADU allowance for property owners;

On October 23, 2024, the Planning Commission held a public hearing to consider the
proposed amendment, and after the hearing, the Planning Commission recommended denial to
the Municipal Council by a vote of 5:0;

On August 20, 2024, September 3, 2024, November 19, 2024, and December 3, 2024, the
Municipal Council met to ascertain the facts regarding this matter and receive public comment,
which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented, the Council finds that (i) Provo City Code should
be amended as set forth below, and (ii) such action furthers the health, safety, and general
welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code Section 14.30.040 is amended as follows:

14.30.040 Special Use Permit for Accessory Dwelling Unit.

(1) A property owner, or the owners of multiple contiguous properties, seeking to allow an
accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise
prohibited by Provo City Code Chapter 14.30, ~~Provo City Code~~, may submit ~~a special-use permit
application~~ a text amendment application to the Development Services Department seeking
~~conditional approval of such use.~~ to amend this Chapter in order to designate accessory dwelling
units as a permitted use for all the applying properties. The application must comply with Provo
City Code Section 14.02.020, except that:

(a) The specific filing fee for this type of application, as listed on the Consolidated Fee
Schedule, is required instead of the standard amendment fee; and

(b) The application does not need to comply with Provo City Code Section 14.02.020(1), but instead must include the following:

(i) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this section, “immediately adjacent residential property” means any property:

(A) For which residential use is a permitted use; and

(B) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.

(ii) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (1)(b)(i), indicating that they are in support of the amendment; and

(iii) A completed rental dwelling license application that meets the requirements of Provo City Code Chapter 6.26 for each applying property.

(c) Submission of the signatures required by Subsection (1)(b)(ii) does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant wishes to apply without the required signatures, the application must meet all requirements of Provo City Code Section 14.02.020(1), including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.

~~(2) *Application.* Application for an accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:~~

~~(a) The fee established for the application by the Consolidated Fee Schedule;~~

~~(b) A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.~~

~~(i) “Immediately adjacent residential property” means each and every property:~~

~~(A) For which residential use is a permitted use; and~~

~~(B) That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;~~

~~(c) The name, address, and signature of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit; and~~

~~(d) An application for a rental dwelling license meeting the requirements of Chapter 6.26, Provo City Code.~~

~~(3) Review and Approval. An application shall be reviewed by Development Services Department staff. The application shall be approved, and an accessory dwelling unit special use permit shall be issued if, but only if:~~

~~(a) The application meets all the requirements of Subsection (2) of this Section;~~

~~(b) The property for which the permit is sought meets all the standards for accessory dwelling units in Section 14.30.030, Provo City Code;~~

~~(c) The applicant qualifies for and receives a rental dwelling license; and~~

~~(d) The applicant signs, on a form authorized by the Development Services Department, an acknowledgement of, and promise to abide by, all Provo City ordinances and regulations related to the use of an accessory dwelling unit, including, but not limited to:~~

~~(i) Either the main dwelling unit or the ADU must be occupied by an owner occupant;~~

~~(ii) Off-street parking must comply with parking standards as outlined in Section 14.30.030, Provo City Code; and~~

~~(iii) The property owner must have a valid rental dwelling license at any time the accessory dwelling unit is in use.~~

~~(4) Application for a Permitted Use for Multiple Homes. Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Section 14.02.020, Provo City Code, except that:~~

~~(a) The filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and~~

~~(b) The application need not comply with Section 14.02.020(1), Provo City Code, but instead must include the information described in Subsections (2)(b) and (c) of this Section.~~

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
-

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- 118 C. This ordinance takes effect immediately after it has been posted or published in accordance
119 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
120 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
121
- 122 D. The Municipal Council directs that the official copy of Provo City Code be updated to
123 reflect the provisions enacted by this ordinance.
-

Provo City Planning Commission

Report of Action

October 23, 2024

***ITEM #4** Provo City Council Office requests an Ordinance Text Amendment to Section 14.30.040 (Special Use Permit for Accessory Dwelling Unit) to remove previous legislation and replace it with new standards. Citywide application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20240275

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 23, 2024:

RECOMMENDED DENIAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Andrew South

Second By: Jeff Whitlock

Votes in Favor of Motion: Andrew South, Jeff Whitlock, Daniel Gonzales, Lisa Jensen, Adam Shin

Daniel Gonzales was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Melia Dayley gave an overview of the pathway process, a history of ADU regulations in Provo, and answered Planning Commission questions regarding options still available to citizens on ADUs, and numbers of applications since the two pathways were made available.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Melia Dayley responded to questions on Council motivation for the changes, noting that multiple options were presented to the Council, but in the end, they voted to repeal the administrative pathway process for ADUs.
- Development Services staff responded to the Commission, verifying that the administrative process has not been an issue and was easy enough for staff to process.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission verified that these changes would only leave legislative options for citizens to establish ADUs where they are not already permitted, noting that is an unfortunate result of the proposal.
- Lisa Jensen shared concerns that the ADU process will be more difficult but moves the burden from staff to the Council. That it may be a longer process but would remove the ability for a few neighbors to stop establishment of an ADU. She noted the fee reduction is a positive part of the proposal.
- Andrew South shared his disappointment that ADUs aren't being supported by the Council, that this proposal goes against the goals of the General Plan, and that these changes could lead to less compliance because the process is too much trouble for the average citizen. He also noted that the past few years of administrative ADU establishments have not had adverse impacts on the community.
- Jeff Whitlock stated that these changes will make ADUs more difficult and doesn't like the ability for four Council members to deny someone an ADU, that the city is moving in the wrong direction with these changes.
- The Commission noted that data shows more need for tools to help the affordability of housing, not less; and that ADUs are an important part of housing supply and affordability strategies.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

The Commission viewed this proposal as not being in line with the General Plan and believes that it is making housing less attainable for the community, and therefore, can not support it.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.30.040

Special Use Permit for Accessory Dwelling Unit.

(1) A property owner, or the owners of multiple contiguous properties, seeking to allow an accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise prohibited by Provo City Code Chapter 14.30, ~~Provo City Code~~, may submit ~~a special use permit application~~ a text amendment application to the Development Services Department seeking ~~conditional approval of such use~~ to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the applying properties. The application must comply with Provo City Code Section 14.02.020, except that:

(a) The specific filing fee for this type of application, as listed on the Consolidated Fee Schedule, is required instead of the standard amendment fee; and

(b) The application does not need to comply with Provo City Code Section 14.02.020(1), but instead must include the following:

(i) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this section, "immediately adjacent residential property" means any property:

(A) For which residential use is a permitted use; and

(B) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.

(ii) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (1)(b)(i), indicating that they are in support of the amendment; and

(iii) A completed rental dwelling license application that meets the requirements of Provo City Code Chapter 6.26 for each applying property.

(c) Submission of the signatures required by Subsection (1)(b)(ii) does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant

wishes to apply without the required signatures, the application must meet all requirements of Provo City Code Section 14.02.020(1), including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.

~~(2) *Application.* Application for an accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:~~

~~(a) The fee established for the application by the Consolidated Fee Schedule;~~

~~(b) A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.~~

~~(i) "Immediately adjacent residential property" means each and every property:~~

~~(A) For which residential use is a permitted use; and~~

~~(B) That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;~~

~~(c) The name, address, and signature of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit; and~~

~~(d) An application for a rental dwelling license meeting the requirements of Chapter 6.26, Provo City Code.~~

~~(3) *Review and Approval.* An application shall be reviewed by Development Services Department staff. The application shall be approved, and an accessory dwelling unit special use permit shall be issued if, but only if:~~

~~(a) The application meets all the requirements of Subsection (2) of this Section;~~

~~(b) The property for which the permit is sought meets all the standards for accessory dwelling units in Section 14.30.030, Provo City Code;~~

~~(c) The applicant qualifies for and receives a rental dwelling license; and~~

~~(d) The applicant signs, on a form authorized by the Development Services Department, an acknowledgement of, and promise to abide by, all Provo City ordinances and regulations related to the use of an accessory dwelling unit, including, but not limited to:~~

~~(i) Either the main dwelling unit or the ADU must be occupied by an owner occupant;~~

~~(ii) Off-street parking must comply with parking standards as outlined in Section 14.30.030, Provo City Code; and~~

~~(iii) The property owner must have a valid rental dwelling license at any time the accessory dwelling unit is in use.~~

~~(4) *Application for a Permitted Use for Multiple Homes.* Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Section 14.02.020, Provo City Code, except that:~~

~~(a) The filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and~~

~~(b) The application need not comply with Section 14.02.020(1), Provo City Code, but instead must include the information described in Subsections (2)(b) and (c) of this Section.~~

~~(Enacted 2022-46, Am 2024-03)~~

Planning Commission Hearing Council Staff Report Hearing Date: October 23, 2024

***ITEM #4** Provo City Council Office requests an Ordinance Text Amendment to Section 14.30.040 (Special Use Permit for Accessory Dwelling Unit) to remove previous legislation and replace it with new standards. Citywide application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20240275

Applicant: Provo City Council

Staff Coordinator: Melia Dayley

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is November 13, 2024 at 6:00 P.M.*
2. **Recommend Denial** of the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The Provo City Council motioned on January 9th and April 30th directing Council staff to review “supplemental ADU rules” including the extra living space, second kitchen agreements, occupancy and parking limits, as well as the City’s education/enforcement toolkit regarding ADUs and propose enhancements if deemed necessary.

Council staff held meetings with community members, Development Services and Legal staff, and Councilors and drafted several text amendments related to the Council motions.

During the August 20th and September 3rd Council Work Meetings, five text amendments were moved forward to be heard at a Council Meeting for final approval. Four of the five motioned amendments need Planning Commission recommendations before returning to the Council for a final vote.

Summary of Key Issues:

- Councilors reviewed the Special Use Permit process in 14.30 and possible amendments.

Staff Recommendation: Council staff recommends approval of this proposed amendment.

OVERVIEW

Council requested to review 14.30.040 two years after implementation. Council received feedback from neighborhoods, residents, and Development Services including Code Enforcement about the pros and cons of the permit process.

STAFF ANALYSIS

After review of all feedback and Council member policy decisions, the proposed ordinance removes half of the original special use permit process: the individual property pathway. Residents can still apply for ADU permitted use for their property through the signature and ordinance text amendment process. The individual pathway with administrative approval for an ADU permit that runs with the owner applicant is removed with this proposed amendment.

CONCLUSION

Council staff believe that this change is necessary to clarify the steps needed to apply for an ADU, and would recommend that the Planning Commission forwards a positive recommendation to the City Council.

ATTACHMENTS

1. Proposed Text Amendment

ATTACHMENT 1 - PROPOSED TEXT AMENDMENT

14.30.040

Special Use Permit for Accessory Dwelling Unit.

(1) A property owner, or the owners of multiple contiguous properties, seeking to allow an accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise prohibited by Provo City Code Chapter 14.30, ~~Provo City Code,~~ may submit ~~a special use permit application~~ a text amendment application to the Development Services Department seeking ~~conditional approval of such use.~~ to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the applying properties. The application must comply with Provo City Code Section 14.02.020, except that:

(a) The specific filing fee for this type of application, as listed on the Consolidated Fee Schedule, is required instead of the standard amendment fee; and

(b) The application does not need to comply with Provo City Code Section 14.02.020(1), but instead must include the following:

(i) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this section, "immediately adjacent residential property" means any property:

(A) For which residential use is a permitted use; and

(B) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.

(ii) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (1)(b)(i), indicating that they are in support of the amendment; and

(iii) A completed rental dwelling license application that meets the requirements of Provo City Code Chapter 6.26 for each applying property.

(c) Submission of the signatures required by Subsection (1)(b)(ii) does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant wishes to apply without the required signatures, the application must meet all requirements of Provo City Code Section 14.02.020(1), including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.

~~(2) *Application.* Application for an accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:~~

~~(a) The fee established for the application by the Consolidated Fee Schedule;~~

~~(b) A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.~~

~~(i) "Immediately adjacent residential property" means each and every property:~~

~~(A) For which residential use is a permitted use; and~~

~~(B) That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;~~

~~(c) The name, address, and signature of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit; and~~

~~(d) An application for a rental dwelling license meeting the requirements of Chapter 6.26, Provo City Code.~~

~~(3) *Review and Approval.* An application shall be reviewed by Development Services Department staff. The application shall be approved, and an accessory dwelling unit special use permit shall be issued if, but only if:~~

- ~~(a) The application meets all the requirements of Subsection (2) of this Section;~~
- ~~(b) The property for which the permit is sought meets all the standards for accessory dwelling units in Section 14.30.030, Provo City Code;~~
- ~~(c) The applicant qualifies for and receives a rental dwelling license; and~~
- ~~(d) The applicant signs, on a form authorized by the Development Services Department, an acknowledgement of, and promise to abide by, all Provo City ordinances and regulations related to the use of an accessory dwelling unit, including, but not limited to:
 - ~~(i) Either the main dwelling unit or the ADU must be occupied by an owner occupant;~~
 - ~~(ii) Off-street parking must comply with parking standards as outlined in Section 14.30.030, Provo City Code; and~~
 - ~~(iii) The property owner must have a valid rental dwelling license at any time the accessory dwelling unit is in use.~~~~

~~(4) *Application for a Permitted Use for Multiple Homes.* Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Section 14.02.020, Provo City Code, except that:~~

- ~~(a) The filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and~~
- ~~(b) The application need not comply with Section 14.02.020(1), Provo City Code, but instead must include the information described in Subsections (2)(b) and (c) of this Section.~~

~~(Enacted 2022-46, Am 2024-03)~~



DEVELOPMENT SERVICES

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Memo

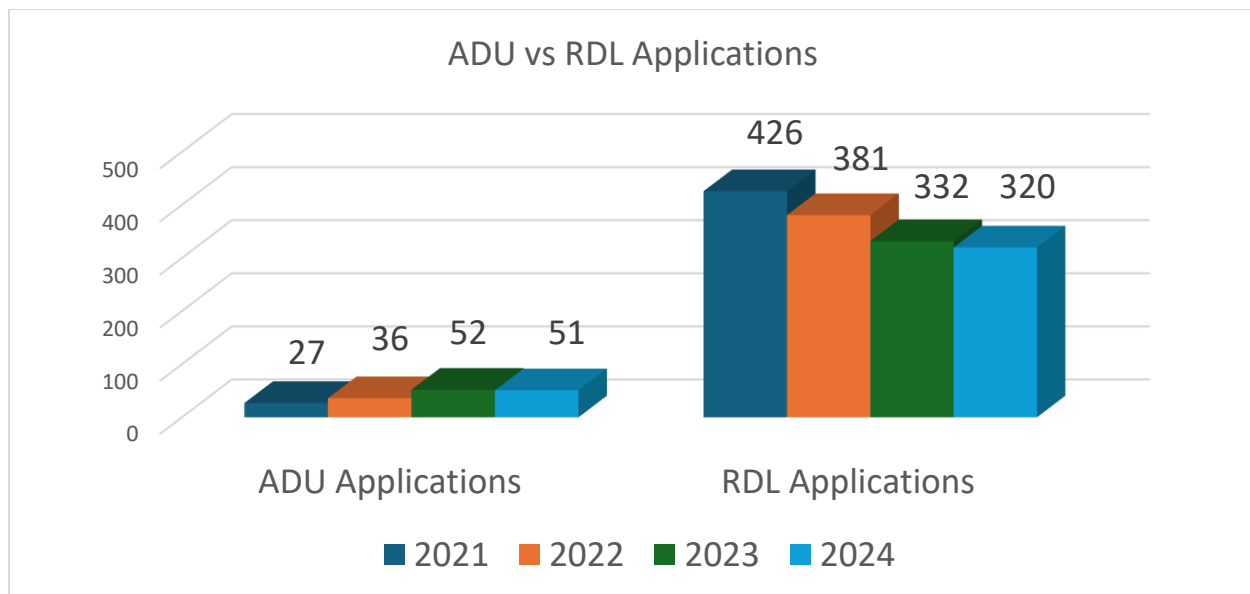
To: Provo City Council
From: Scott Johnson
CC: Mayor Kaufusi, Bill Peperone
Date: 11/7/2024
Re: ADU/SUP Code Enforcement Report

Dear Provo City Council,

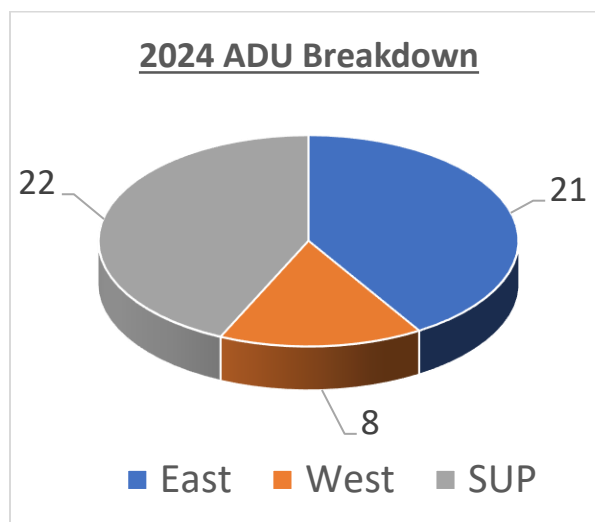
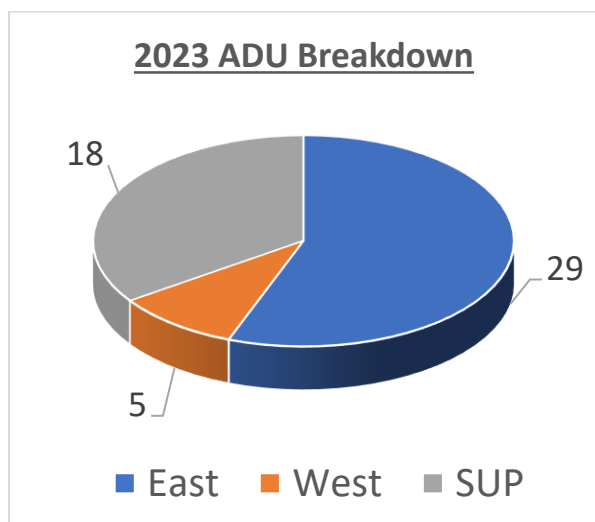
Accessory Dwelling Units and Special Use Permits continue to be a topic of discussion within the city. With pending legislation which the Council will soon review, I present to you this report focused on Accessory Dwelling Unit (ADU) applications, Special Use Permit (SUP) applications, and enforcement actions on ADU related complaints/cases between January and October 2024.

Accessory Dwelling Unit (ADU) Applications

As of October 2024, we have received a total of 51 ADU applications. When the Provo City Council was first discussing potential expansion of AUDs, one main question asked of Development Services was: "Will city staff be able to handle an increased volume of ADU applications if we ADUs are expanded?" Our response at the time was: "Yes, we will be able to handle the anticipated increase of applications." I am happy to report that we continue maintaining the ability to keep up with the increased number of ADU applications received. Below is an updated chart showing the number of ADU applications received in total for the years 2021, 2022, 2023, as well as applications received up through October 2024. As this chart shows, the number of ADU applications has increased while the total number of RDL applications has slightly decreased. This shows the total number of applications (combining ADU and RDL applications) have remained relatively consistent.



With the expansion of ADUs approved by the Council, we continue to monitor and categorize three general areas from where ADU applications are received. These three areas include West of I-15, East of I-15 where ADUs are permitted, and any area in the city where ADUs are not permitted without a Special Use Permit (SUP). The graphs below break down applications received in 2023 as well as those received up through October 2024 into these three categories.



When an ADU application is received, and it is determined that a Special Use Permit is required, Code Enforcement staff will contact the applicant to advise and educate on the SUP application process and requirements. If an application is not submitted in a timely manner, the ADU application is denied, and any necessary enforcement actions begin.

Special Use Permit Applications:

Special Use Permits (SUP) are required for any residential property seeking ADU approval, yet an ADU would otherwise be prohibited by Provo City Code 14.30. A total of 30 applications have been received for Special Use Permits. Of those 30 applications, 12 have been approved, four (4) were canceled, one (1) was denied, 12 remain open/under review, and one (1) was voided. Of the four (4) canceled applications, three (3) were canceled by the applicant and one (1) was canceled by the City (due to failure to complete the application). The one (1) denied application did obtain sufficient signatures but failed to pay the necessary application fee. Any SUP application received on or after 10 October 2024 has been placed on hold, pending the outcome of Pending Legislation which will likely affect how these applications are processed. Of the 12 applications currently under review, four (4) fall under this Pending Legislation hold.

SUP Permit Status:	Number of Applications:
Approved	12
Canceled	4
Denied	1
Open/Under Review	12
Void	1
-----Total:	-----30

Illegal ADU Enforcement

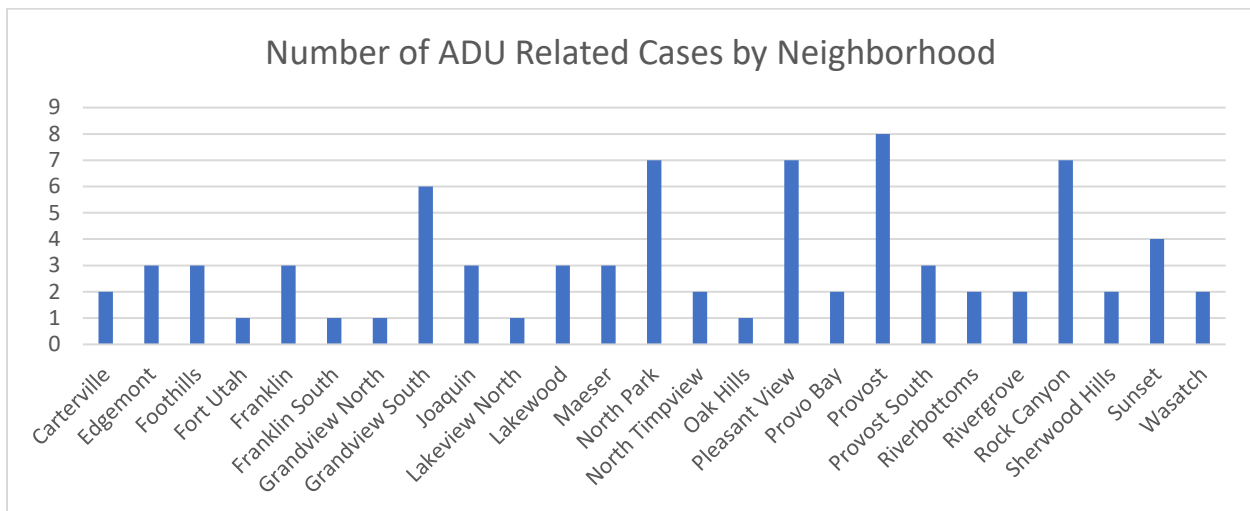
In our system, we currently do not have a designation for Code Cases to specifically address potentially illegal ADUs. This is being resolved with some upcoming changes to our CityView software. To determine what enforcement actions have taken place to date in Provo, I reviewed over 300 individual cases. The designations we currently use which often result in enforcement of ADU regulations include Occupancy, Non-permitted Use, Rental Dwelling License, Short Term Rental, or Health and Safety. When looking at each of these cases, I look for issues that may indicate that a property is or could be used as an illegal ADU.

The total number of cases found through this review is 79. Of those 79 cases, 35 have been investigated and closed (either due to corrections made at the property to come into compliance, or due to Code Officers determining that there is no violation at the property). Nine (9) cases are currently going through our enforcement process, and 35 cases remain under investigation.

Enforcement Case Status:	Number of Cases:
Under Investigation	35
Enforcement in Process	9
Closed	35
-----Total:	-----79

Of the 79 total cases discussed here, I found eight (8) of those cases had a connection to an application for an ADU license. The majority of these are instances where we began our enforcement efforts, and the owner applied to the city to legalize their ADU. In a couple of cases, we denied the ADU license application for failure to meet owner occupancy requirements, and proceeded with the necessary enforcement actions to ensure the property is brought into compliance.

The chart below shows these 79 cases broken down by neighborhood. This chart indicates that ADU related issues are being reported and enforced on broadly across the city:



Below are a few examples of cases we have worked on and the results of our investigation/enforcement actions.

Complaint:	Result:
Property used as short-term rental (STR).	Found basement being rented out as STR, required owner to sign second kitchen agreement and obtain RDL for long term rental use.
People living in rear portion of home.	Spoke with tenant who verified property was over occupied. Sent NOV to owner who reduced occupancy to legal limit.

Property not owner occupied, renting both main dwelling and basement separately.	Investigated and found all occupants are related and meet definition of one (1) family. The owner had RDL already on file.
Property needs a Second Kitchen Agreement signed.	Verified property had two (2) kitchens, contacted the owner and advised on code requirements, owner came into the office and signed a Second Kitchen Agreement.
Non-Permitted Use – People living in trailer in back yard.	Talked with owner about regulations on ADUs and people living in trailers in Residential neighborhoods. The owner allowed us to inspect the trailer, and we found no evidence of it being occupied.
Home being rented as a duplex.	Talked with tenants and verified that the property is occupied by one (1) family.
Property over occupied.	Began enforcement process, verified property is over occupied. The owner applied for ADU and SUP. Both applications were denied due to failure to meet ADU requirements and paying necessary fees. The enforcement actions are in progress.
Over occupied with no RDL.	Found property to be over occupied and rented without an RDL. Enforced on property owner who applied for an RDL, reduced occupancy, and signed Second Kitchen Agreement.
Renting as an illegal duplex.	Investigation found home being rented to two (2) families. An NOV has been sent, and the enforcement actions are in progress.

Processes for ADU and SPU Approvals

Attached is a copy of two processes outlines that we have been working on to assist with training purposes for reviewing and processing ADU and SUP applications. These two processes give a somewhat exhaustive outline of the various steps Code Enforcement takes to review these applications. Please note that these are works in progress and may contain minor errors as we continue to review and refine our processes.

Thank you,




SCOTT JOHNSON
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ZONING ADMINISTRATOR
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